1945-46-47 **File No.** Part XVII 5660/36

P.W. **DEPARTMENT**
El. **BRANCH**

Subject:— Electric License
Hubli
Failure of Electric Supply
Supply of generating plants to

Part XVIII

File No. 5660/36

Bdg. Book. Slip 34-B

Published at p. 296 of Part I of the Gazette = Extraordinary, dt 8-5-44

O R D E R.

Public Works Department;
Bombay Castle, 3rd May 1944.

No.5660/36.- Whereas by Government Order, Public Works Department No.5660/36, dated the 29th April 1944 Government was pleased to intimate to the Hubli Electricity Company, Limited, Hubli, under clause (d) read with clause (g) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) that it had elected to purchase the undertaking of the said Company and to require the said Company to sell the undertaking to the Government and to hand over possession of the same to Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, on the 1st May 1944;

And Whereas the said Company has failed to comply with the said Order pending the settlement of the price and completion of the purchase;

And Whereas the determination of the price as provided in clause (b) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) and the completion of the purchase of the said undertaking would take time;

And Whereas it appears to the Government of Bombay that in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole of the said undertaking pending completion of the purchase of the said undertaking;

Now, Therefore, in exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased -

(i) to authorise Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, to exercise, such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act, 1910; and

(ii) to prohibit the Hubli Electricity Company, Limited, Hubli, from interfering with or obstructing the said Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, in the discharge of his functions under clause (i).

By order of the Governor of Bombay,

R.H.HAMMETT,

Secretary to Government.

VR.3/6.

Copy of extract paragraphs 14 and 15 from the Address presented to His Excellency the Governor of Bombay by the Hubli Municipality.

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14. Though the Municipality is very keen on providing Electric lights for its Streets and though there is a local electric supply company, it has not become possible due to various reasons, which need not be mentioned here, to have ~~the~~ electric lights for the streets. During the Government administration, the disputes between the Municipality and the company were referred to arbitration and an award was made. The citizens hoped that they would have electric lights at a very early date, but these hopes were not fulfilled. The company objected to the award and the matter was referred to the Civil Court and a decree in terms of the award has been passed by the I Class Court Dharwar. An appeal preferred by the company against this decree is pending in the Honourable High Court of Bombay.

15. Meanwhile Your Excellency's Government has been pleased to revoke the license of the Company, under section 4 of the Indian Electricity Act, If ultimately, the company is compelled to sell the concern, we request Your Excellency to help our Municipality in all possible ways, to enable it to purchase and run the concern, so that the rate payers may have all the benifits arising by way of profits etc. in case the concern is run by Municipal agency.

Very Urgent.

No.S.101-A.
General Department,
Bombay Castle, 24th March 1945.

Copy forwarded to the Public Works Department for favour of very urgent remarks.

2. The Public Works Department is informed that extract paragraphs 11, 12, 14 and 15 of the address were sent to that Department under Government endorsement No.S.101/150E-A, dated the 3rd February 1943 on 6th February 1945 and that this Department records show that they were received in the Public Works Department on the same date.

.....

P. W. D.

El.Br.

Submitted with reference to paras 14 & 15 of the address presented to H.E. the Govr. by the Hubli Muny.

2. The Hubli Electric License granted to Messrs. the Hubli Ely. Coy. was revoked with effect from the 1-5-44 in view of the ~~regard~~ to the supply of electricity.

3. Under Section 5(b) of the I.E. Act the Hubli Munpl.Borough had the first option to purchase the undertaking with the consent of Govt. That body has however waived its right & Govt. has decided to purchase the undertaking - vide in this connection d.o. correspondence between A(R) and the Commr.,N.D. put up below from which it will be seen that it was considered undesirable to entrust the undertaking to the Muny.

4. The terms reg: the pruchase of this undertaking are at present under negotiations with the Coy. & pending the settlement of those terms Govt. has taken over the control of the undertaking under the Defence of India Rules to keep it in working.

5. At present no supply is being given for Street lighting. With reference to the remarks in para. 14 of the address in this connection it is observed that the El.Engr. to Govt. was appointed as arbitrator to settle the dispute and he gave his award in May 1941. It seems that this award was not accepted by the Coy. Office has no information with reference to the remark at 'A' of para.14 of the Address. The El.Engr. to Govt. may requested u.o. to elucidate the position and also to offer his remarks reg: the possibility of giving supply to Street light

in the present circumstances.

Id. S&J.
9/10-4-45.

Id.G.N.P(andit).
10-4-45.

*u.o. to El.Engr. dated 10th -4-1945.

*with file 3453/36 & batch of papers bearing file No.5660/36

==========

Below u.o.r. No.S.1/dated the 10th April 1945, from Government in the Public Works Department.

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No.LRM.11/204 of 1945. Bombay 11th April 1945.

Returned with compliments.

2. The information given at "A" page 1, is correct. The appeal has not yet come up for hearing.

3. Street lighting can be supplied as soon as the new engine is put into commission, which will be in 4/6 weeks time.

Sd/- R G Higham.
Electrical Engineer to Govt.

P. W. D.

El.Br.

Submitted with reference to this Deptt. u.o.r. dated the 10-4-1945.

2. These papers may now be passed on u.o. to the G.D.

Id.
13-4-45.

Id. G.N.P(andit)

u.o. to the G.D., dated 16-4-1945.

NC.14/4.
16-4-45

ISSUED
On 16-4-45

5

No.S.101-A.
General Department.
Bombay Castle, 19th April 1945.

Memorandum.

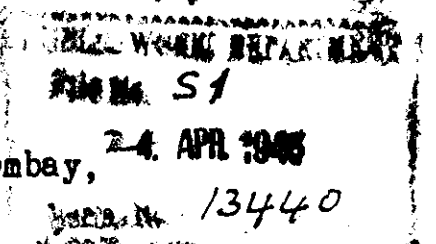
Public Works Department file No.3453/36 of 1939-40-41 received in this Department with that Department unofficial reference dated the 16th April 1945 regarding the address presented to His Excellency the Governor of Bombay by the Hubli Municipality

is

46

is returned to that Department as it is not required by this Department.

To me 25/4



Junior Assistant Secretary to the Government of Bombay,
General Department.

Estt. 19-4-45

El. Br.

P.W.D

P.R.O. 25-4-45.

Record

S.A.S. 24/4

File 26/4

Telephone Message.

(I) From - H.E. the Governor's Secretary's Office.

To - P.W.D.

Please let us know if the Hubli Electricity Company which was taken over by Government is being worked that is that the Hubli Municipality is not without electricity pending disposal of certain law suit

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Telephone Message to the Dist clerk Dharwar.

(II) The Hubli Elty undertaking is being run by Govt and the supply is being given to the Town of Hubli. The Elty Corp did not give supply to the Mining for their lighting & no supply is given for that purpose. Please inform the

PSM.16/8/45.

8

60606

e.s.i pics accordingly."

GJJ
16/8/45.

El. Br. (I)

Submitted for information.

2. The table at (II) overleaf was issued as it was understood that the information was req? immediately.

GJJ
16/8/45

DNB
17/8/45

GJJ
18 VIII 45

File
18/8

59

Telephone Message.

Time: 12.45 noon. Date: 16th Aug.1945.

From

Governor's Secretary's Office.

To

P.W.D. Poona.

Please let us know if the Hubli Electricity Company which was taken over by Government is being worked i.e. that the Hubli Municipality is not without electricity pending disposal of certain law suits. [The information is required by his Excellency immediately].

16.8.45.

Telephone Message 7/11

From

P.W.D.

Dated: 16th August 194

To

Office of the Governor's Secretary.

Ref: telephone message from Secy Govt Poona.

The Hubli Electricity undertaking is being run by Government and supply is being given to the town of Hubli. The Electricity Company did not give supply to the Municipali for street lighting and no supply is given for that purpose.

Copy in confirmation by hand post.

By order,

16.8.45.

Dist. Clerk, P.W.D.(R.& B), Poona.

El.Br.(I). 13 G.D.S.101/30511
P.W.Deptt.

Pl. see

(i) paras.14 and 15 of the Hubli Muny's. address to H.E. the Governor,
(ii) this Deptt. note dated 10-4-45,
(iii) the G.D. remarks on the paras. and A(R)'s marginal note, and
(iv) para.4 of the G.D. note dated 12-9-45 followed by the U.S.,G.D's. note of 13-9-45.

2. The pp. have been refd.to us with ref. to the reply which the G.D. proposes to give to para.15 of the address. In this connection attention is invited to A(R)'s confdl. d.o. correspondence with the Commr. S.D. from where it will be seen that A(R) was anxious to see that the Muny. did not take over the concern. The Commr. also agreed with A(R) and separately reported that the Muny. has neither the funds to purchase the undertaking nor the capacity to run it. Subsequently the Muny. renounced its right to purchase the undertaking under section 5(b) of the I.E.Act. The Muny. may therefore straightaway be informed now that its request cannot be granted. The G.D. may be requested to amend the last para. of its draft letter accordingly and submit the case to A(R) in that Deptt.

× Issued = 1-10-45.

3. The G.D. will pl. return this Deptt. papers when ~~xxxxxxx~~ done with.

Id.G.N.P.
29-9-45.

Id.A.B.A.
29-9-45.

~~with~~ P.W.D.file No.5660/36/20665 & batch of corres.bearing file No.5660/36

× Confdl.
u.o. to G.D. dated 1-10-45

mv 5 Amend will 25.10.45
1/10

Copy of Govr. Secy's note dated 29/10/45.

H.E. would like to see a separate note on the future of the Hubli Electrical license.

H.E. agrees.

Id. D.S(Nmingham).
29/10.

Copy of para.3 of the G.D. Office note.

3. After issue, these papers may be referred u.o. to the P.W.D. with their file 5660/36/20665/ and the batch of correspondence bearing No. 5660/36(Confl). The P.W.D. may retain their papers and take necessary action with reference to para.2 of the G.S's note dated the 29th Oct. 1945.

Id/ 2-11-45

Id.E.R.P.
2/11/45.

* with P.W.D.file 5660/36/20665 and batch of corres.bearing No. 5660/36(Confl.)

U.O.r. to P.W.D. dated 10/11/45.

El.Br.(I). P.W.D.

Please see para.3 of the G.D. O.N. dated the 2-11-45. This Deptt. papers refd.to therein have been retained.

2. Action with ref.to para.2 of the G.S's note dated the 29-10-45, will be taken separately. These papers may be returned to the G.D. after keeping necessary extracts.

Id.D.N.D.
15/11/45.

U.O. to G.D. dated 2/-11-45.

VPA.
19/11. Issued 21-11-45

El. Br (I). P.W.D.

With reference to the Secy(P)'s verbal instructions the following note is put up reg: the Hubli Electric ~~licence~~ undertaking.

2. When the Hubli Electric licence granted to Messrs the Hubli Ely coy was revoked on 1.5.44 it was decided that Govt should first purchase the ~~licence~~ undertaking and then hand it over to any person. Pending settlement of the terms of purchase between Govt and the Hubli Ely coy the control of the undertaking has been taken over by Govt under the Defence of India Rules to keep it in working.

3. With reference to the suits filed by the coy against Govt / the High court for revoking the license ordered in July 1944 that the undertaking should not be sold by Govt until its further orders. Though the two suits filed by the coy have been decided in favour of govt the coy has appealed and these appeals have not yet come up for hearing. Reg the terms of purchase refd to in the preceding para the Solicitors to Govt have been asked to negotiate with the solicitors of the coy and their report is yet awaited.

one against the order of the revocation of the licence and the against the order for taking over the control of the undertaking

4. The question of sale of the undertaki

to any other person is thus dependant on the settlement of the terms of purchase between Govt & the Cty and the result of the appeal.

<21
14/12/45

In view of the above circumstances negotiations for the sale or handing over of the Hubli Electricity Co are not afoot & Govt has to keep the Generating Plant in working order. A provision for the latter has been made in the next years budget, which A(R) wished to be explained

Secy (9)

g
14/12/45

Thanks.
15/12/45 fc

Fwd BY 14/12
A(R)

g
15/12

El.Br.(I). 17/19 5660/36

With ref. to the reply given to the President, Hubli Muncy. negativing its request in its address to H.E. the Govr. that Govt. should help it to purchase and run the Hubli Ely.Undertaking - vide item (ix) in G.D., G.L.No.S-101/A, dated the 6-11-45; G.S. noted that H.E. would like to see a separate note on the future of the Hubli Electric License. The note on pp. 15-16 ante gives the requisite information and may be submitted for information of H.E. the Govr.

+ Encl. A Fil S 1/37705 p 18

V. on the GD Fil - Copy at p 13 ante

831 17/12/45

GS 17.XII.45.

WS

H.E. (G.S.) H.E. has seen.

GS 22.XII.45

21.12.45 from G.S.

N. R. Joshi
Messrs MOTILAL BAWALAL.
SHARE, STOCK & FINANCE BROKERS.

AGAKHAN BUILDING.
DALAL STREET, FORT.

TELE. NOS. 21449 OFFICE
" " 89103 RESIDENCE
TELE ADD:- "REDPEARL"

Bombay, Dec. 17 1945

The Deputy Secretary to the Government
Public Works Department Secretariat,
Electrical Division
Churchgate Street, Bombay.

Dear Sir:

With reference to the Hubli Electric Supply Co., I have come to understand that the license given to Messers Amte & Co to run this company has been cancelled and that the Govt. is contemplating to issue a fresh license in favour of another party who can undertake this work.

I shall, therefore, thank you to please be good enough to supply a draft copy of the terms under which the license is to be granted.

After going through the same I shall write to you further on the subject. I shall further appreciate if you please let me know as to who is running the company at present, and whether the Govt. has acquired the concern under I.R.

By the way, I am a graduate electrical engineer from M.I.T., U.S.A., and have just returned from there after a period of six years, three years of which I spent in the design, development, and manufacture of electrical machinery in American organizations like Allis-Chalmer's etc.

An early reply is solicited and will be highly appreciated.

Very truly yours,
Natvar R. Joshi
Natvar R Joshi

5660/36
42560

20
22

El. Br (I).

P.W.D.

Submitted

2. Attention is invited to the
Wb 15-16
O.M. of the 14.12.45 which explains the position. Since then the report of the Solicitors to Govt has been received & the matter has to be further negotiated with the Cry. p 21

+ On this 5660/36 29 (Being dealt with B.I

3. The draft put up may please be approved - vide in this connection proceedings on Wb 134-152 of file No 5660/36/20665 dealing with charges for the licence.

21 8/1/46

< Sub B

EE B 31/12

D.S

DM

8/1/46

P. W. D.
File No. 5660/36.
20-12-45
Serial No. 42560.

EC B(II)

20-12-45

~~24~~ 23

5260/36

42560

No 5260/36 El (I).

P.W.D.

B.C. 11th January 1946.

To

N.R. Joshi Esqr

c/o Messrs Motilal Bawalal

Share, Stock and Finance brokers

Agakhan Bldg, Dalal Street, Bombay

Sub:— Licence for the supply of electrical energy at Hubli.

Dear Sir,

With reference to your letter, dated the 17th Dec 1945 I am to state that the Hubli Electric Licence, 1924 was revoked with effect from the 1-5-44. Govt has not acquired the undertaking but is working

5260/36
42560

24

it under the powers vested in it by the Defence of India Rules pending the settlement of terms reg. its purchase between Govt and the Hubli Electric Supply Co. Ltd - vide G.N. no 5260/36, dd the 31-5-44 published at p 296 of Part I of the B. & C. dd the 8-5-44.

+ copy at the commencement

Extraordy,

For the present Govt does not propose to issue any fresh licence for the area.

Yours Hly.

14/1

42A
9/1/46.

File in 13A
14/1

CE
10/1.46

10/1

DS.

C.-8:

25 25

INDIAN POSTS AND TELEGRAPHS DEPARTMENT. No. 289

Received here at ____ H. ____ M.

X S(1R) CALCUTTA 22 STE 104 BOMWORKS BOMBAY

ELC 2/133/1 KURNOOL MUNICIPALITY MOST URGENTLY REQUIRE ONE SPARE CRANKSHAFT FOR KRUPP ENGINE TYPE SIII THREEHUNDREDFIFTY BHP THREEHUNDRED RPM STOP UNDERTAKING WORKING AT PRESENT WITH VERY RESTRICTED CAPACITY SERIOUSLY AFFECTING WATER SUPPLY SITUATION ENDNGERING SANITARY CONDITIONS AND INVOLVING SERIOUS DIFFICULTIES STOP CHIEF ELECTRICAL INSPECTOR MADRAS GOVERNMENT HAS APPEALED FOR URGENT((50)) ASSISTANCE BY SALE OF SIMILAR SCRAPPED ENGINE AVAILABLE AT HUBLI ELECTRIC SUPPLY WHICH IS UNDER CONTROL OF YOUR GOVERNMENT STOP GRATEFUL YOUR ASSISTANCE IN OFFERING FOR SALE TELEGRAPHICALLY TO MUNIC-CIPAL COMMISSIONER KURNOOL IF POSSIBLE COMPLETE CONDEMNED ENGINE

The exposition of entries at the beginning of this telegram is—class of telegram, time handed in, serial number (in the case of private telegrams only), office of origin, date, service instructions (if any), and number of words.

This form must accompany any enquiry concerning this telegram.

MGIPAh,—303—3-9-45—60,000 Bks.

X S(18) CALCUTTA 22 STE 104

ELG 2/133/1 KURNOOL MUNICIPALITY MOST URGENTLY REQUIRE ONE SPARE
CRANKSHAFT FOR KRUPP ENGINE TYPE S111 THREEHUNDREDFIFTY 3 BHP
THREE HUNDRED RPM STOP UNDERTAKING WORKING AT PRESENT WITH VERY
RESTRICTED CAPACITY SERIOUSLY AFFECTING WATER SUPPLY SITUATION
ENDANGERING SANITARY CONDITIONS AND INVOLVING SERIOUS DIFFICULTIES
STOP CHIEF ELECTRICAL INSPECTOR MADRAS GOVERNMENT HAS APPEALED FOR
URGENT((50)) ASSISTANCE BY SALE OF SIMILAR SCRAPPED ENGINE AVAILABLE
AT HUBLI ELECTRIC SUPPLY WHICH IS UNDER CONTROL OF YOUR GOVERNMENT STP
GRATEFUL YOUR ASSISTANCE IN OFFERING FOR SALE TELEGRAPHICALLY TO MUNIA
-CIPAL COMMISSIONER KURNOOL IF POSSIBLE COMPLETE CONDEMNED ENGINE

C.S.

PAGE II

INDIAN POSTS AND [illegible] DEPARTMENT.

Received here at [illegible] Hrs.

OTHERWISE CRANKSHAFT PISTONS AND LINERS STOP PLEASE TELEGRAPH REPLY STOP ADDRESSED BOMWORKS REPEATED ((100)) ELEXEN

ELCIND

(SM)-1/20

23 FEB 46 I.J.S.

The particulars of entries at the beginning of this telegram (name of telegraph office, time handed in, serial number (in the case of private telegrams only), office of origin, date, service instructions (if any), and number of words.

This form must accompany any enquiry respecting this telegram.

MGIPAh,—[illegible]—[illegible]—[illegible] Bks.

26

Govt. cannot sell on its own. But can the Engine be sold with the consent of the Licensee? If so, we may inquire from the licensee.

CY
25-2-46

E.B.I

P. W. D.
File No. S.26 / 5660/36
Serial No. 7578

E.B.I 28/2

Dy. Sec. 2/3

Tel. (1) 23-2-46
V Urgent

27

STATE

ELCIND

CALCUTTA

YOUR	ELC 2/133/1	REGARDING	KURNOOL
STOP	NUBLI	SUPPLY UNDER	ADMINISTRATIVE
CONTROL	ONLY	NO SALE	PERMITTED
WORK	UNTIL	APPEAL	DECIDED BY
COURT	KURNOOL	INFORMED	ACCORDINGLY
		BLEXEM	

No. 505x of 1946.
P.W.D.Offices, Churchgate Street,
Fort, Bombay, 23rd February 1946.

Copy forwarded, with compliments, to the Electrical Commissioner with the Government of India, Calcutta, in confirmation.

Electrical Engineer to Govt.

Copy forwarded, with compliments, for information to:-

5055 (1) The Municipal Commissioner, Kurnool Municipality, Kurnool.

5056 (2) The Secretary to Government, Public Works Department, Bombay.

El-Br. 25/2

P. W. D.
File No. S-26/5[illegible]/36
25-2-46
Serial No. 7623.

5660/36
7623

El. Br (I). P. W.D.

Submitted (with S. no 7623) with reference to the Govt. Secys note on p 26 ante

2. Attention is invited to the U.O. dated the 14.12.45 which explained in brief the position reg: the Sale of the Hubli Electric undertaking. Since then Govt. vide its letter no 5660/36 EL(I), dated the 21.1.46 has made an offer to the coy for the purchase of the undertaking and has asked the coy to communicate its decision before the 21-3-46. If the proposed offer is not accepted, the matter is to be decided by arbitration as req'd by the I.E. Act 1910.

3. With reference to the telegram within, which was repeated to the El. Engr to Govt by the El. Commr, the former has already replied to this letter to the effect that no sale is permitted until the appeal is decided by the H.C. and has also informed the Karnad Mmng accordingly — vide his communication on p 27 ante.

4. Prima facie there seems no objection to the sale of the engine if the Hubli Mfg coy agrees. The Solicitors to Govt may however be requested U.O. to give their opinion in the matter, before this coy is addressed in the matter.

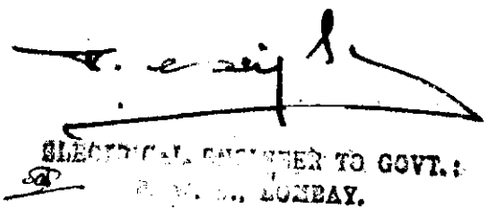
25/2/46

V. urgent.

U.O. to [illegible] (sent to the Solicitors to Govt in connection with 26.2.46)

No. L&Sn II
5099 dt 26/2/46

Passed on with compliments
to the Solicitors to Govt.



ELECTRICAL ENGINEER TO GOVT.
BOMBAY.

Messrs. LITTLE & [redacted] Partners.

TELEPHONE CALL.

Date 14.3-44 *Time* 4.55 pm

Mr. Baldwin (Kilbride)

Spoke to Mr. Martin

Matter

3

Dear Sir

I received your favour
from the Hotel C
Regarding the appeal.
I have no objection
in any way regarding the
case & I understand you
fully.

I do not think I can
be any objection to the
hearing of this petition

Yours

Below U.O.R. No.5660/36 to Electrical Engineer
7623
to Government and the Solicitors to Government in succession dated 26-2-46.

Bombay, 5th March 1946.
No. M/ 1793 of 1946.

Returned with compliments :-

2. The injunction previously obtained by the Hubli Electricity Supply Co.Ltd. was dissolved upon the suit in which it was granted being determined in favour Government. No injunction has been obtained from t Appellate Court. Government are not however entitl to sell any property of the Company pending the completion of the sale of the undertaking to Govern The engine in question is still the property of the Company but subject to the latter's previous sanctio there seems to be no legal objection to Government, behalf of the Company, effecting a sale.

Solicitors to Government.

Encls.

JV.

Sec 1 6/3

F. W. D.
File No. 5660/36
Serial No. 9159.

Dno 6/3

Sec 1 6-3-46

EXPRESS STATE

BOMWORKS REPEAT ELEXEN
BOMBAY BOMBAY

ELC 2/133/1 KURNOOL MUNICIPALITY MOST URGENTLY REQUIRE ONE SPARE ENGINE CRANKSHAFT FOR KRUPP/TYPE SIII THREEHUNDREDFIFTY BHP THREEHUNDRED RPM STOP UNDERTAKING WORKING AT PRESENT WITH VERY RESTRICTED CAPACITY SERIOUSLY AFFECTING WATER SUPPLY SITUATION ENDANGERING SANITARY CONDITIONS AND INVOLVING SERIOUS DIFFICULTIES STOP CHIEF ELECTRICAL INSPECTOR MADRAS GOVERNMENT HAS APPEALED FOR URGENT ASSISTANCE BY SALE OF SIMILAR SCRAPPED ENGINE AVAILABLE AT HUBLI ELECTRIC SUPPLY WHICH IS UNDER CONTROL OF YOUR GOVERNMENT STOP GRATEFUL YOUR ASSISTANCE IN OFFERING FOR SALE TELEGRAPHICALLY TO MUNICIPAL COMMISSIONER KURNOOL IF POSSIBLE COMPLETE CONDEMNED ENGINE OTHERWISE CRANKSHAFT PISTONS AND LINERS STOP PLEASE TELEGRAPH REPLY STOP ADDRESSED BOMWORKS REPEATED ELEXEN

ELCIND

P. T. O. ----

5660/36
7874

36

GOVERNMENT OF INDIA.
Department of Industries & Supplies.
Office of the Electrical Commissioner.

4, Hastings Street,
Calcutta the 22nd Feb. 1946.

From

The Electrical Commissioner
with the Government of India.

Post copy of telegram No.El.C. 2/133/1 dt. dt. 22.2.46 in confirmation forwarded to :-

1. The Secretary to the Government of Bombay, P.W.D., Bombay Castle, Bombay.

2. The Electrical Engineer to Government, P.W.D., Church Gate, Bombay.

(H.M.Mathews)
Electrical Commissioner

Copies for information forwarded to :-

1. The Chief Electrical Inspector to the Govt. of Madras, Chepauk, Madras, with reference to his endorsement No. 1849-M/46-1 dt. 16.2.46.

2. The Municipal Commissioner, Kurnool Municipality, Kurnool, with reference to his letter No. - 3902-B2-45 dated 8th February, 1946.

Sd/----------
Electrical Commissioner.

HSK:SKA.

El. Br (I) — P. W. D.

Submitted.

2. The main case (file no 5660/36/7578) has been refd u.o. to the Solicitor to Govt on the 26th inst letting the Electr Engr to Govt for advice whether Govt can sell the engine with the consent of the licensee. The receipt may be awaited.

27/2/46

27/2/46

27/2

P. W. D.
File No. 5660/36
Serial No. 7874

Secy I 26/2

45

Copy of letter No.R.C.No.B2-8902 dated 27-2-1946, from the Sri K.Venkatadri Choudary, B.A., Municipal Commissioner, Kurnool, to the Electrical Engineer to Government, Public Works Department, Bombay. Re: Kurnool Electricity Department--Engine spares--Information regarding decision by court--Requested.

Reference: Copy of telegram No.5055 dated 23-2-1946.

In thanking you for supplying me with a post copy of telegram No.5055 dated 23-2-1946, I request you to kindly inform which is the court that has to decide the appeal referred to in the telegram, and who are the parties to the suit, and when the suit is likely to be decided. This information is necessary to enable this municipality to proceed further in the matter, and may kindly be furnished at your earliest convenience.

True Copy,

Head Clerk to the Electrical Engineer to Govt.,

39

No.IRM.11/ 5251

P.W.D.Offices, Churchgate St.,
Fort, Bombay 8th March 1946.

To

The Municipal Commissioner,
K U R N O O L.

Re:-Engine spares at Hubli.

Referring to your letter No.R.C.No.B 2-8902-45 dated the 27th February 1946, I have to inform you that the appeal in the suit between the Hubli Electricity Co.Ltd., and the Province of Bombay has been pending in the High Court of Bombay, and its hearing has been postponed to the next session of the Appeal Court.

In this connection, I would inform you that presumably this Government would not object to the sale of the engine provided you approach the Hubli Electricity Co.Ltd., Hubli, and obtain their consent, in writing to such sale.

Electrical Engineer to Govt.,

5252 Copy with a copy of letter referred to above, forwarded with compliments to the Secretary to Government, Public Works Department, Bombay, for information with reference to this office No.5056 dated 23-2-1946.

40 5660/36/9429
P.W.D.

El.Br.(I).

Submitted (together with S.Nos.9159, p.34
and 7874) w.r.t. the O.N. dated the p.36 p.29
25-2-46.

2. The remarks of the Solicitor to Govt. will be found on p.33.They opine that there is no legal objection to Govt. affecting a sale of the engine in question on behalf of the Co.subject to the latter's previous consent,since the engine is still the property of the Co.It,however,doesn't seem necy. now to address the Co.in this con since the El.Engr.to Govt. has already p.39
informed the Muncipal Commr.,Kurnool,that this Govt.would not object to the sale of the engine provided he approaches the Hubli Elecy.Co.,Ltd.and obtains its consent, in writing,to such a sale.In the circum-

Secs I 8/3

P. W. D.
File No. 5660/36
9429.

5660/36/9429

circumstances no action seems necy.on these papers for the present except awaiting a further ref.from either the Municipal Commr.,Kurnool or the Hubli Elecy.Co.

ABS.
9-3-46.

D.S.

El.Br.(I).

Resubmitted.

2. The El. Commr. with the Govt. of India may be informed as per draft put up, if approved.

ABS.
20-3-46.

5660/36/9429.

No.5660/36-El.(I). P. W. D.
B.C. 26th March 1946.

To

The El. Commr. with the Govt. of India,
4, Hastings Street, Calcutta.

Subject: Sale of the engine of the Hubli El. Supply Co. Ltd.

Sir,

I am to refer to the correspondence ending with memo. No.LRM/22/5054, dated the 23-2-46, on the subject mentioned above, from the El. Engr. to this Govt., to your address, and to state for your further information that the El. Engr. to this Govt. has informed the Municipal Commissioner, Kurnool, on the 8-3-46, to the effect that this Govt. would not object to the sale of the engine in question provided he approaches the Hubli Electricity Co. Ltd. and obtain

its....

its consent, in writing, to such a sale.

D.A:Nil.

S.

Copy forwarded for information to the El. Engr. to ~~the~~ Govt. with reference to his endst. No. L&M.11/5252 dated the 8-3-46.

PSB
20/3/46.

20-3-46.

21.III.46

S.S.

45

Government of Madras.
Public Works Department.

No.470 R/46-2.

From
V. N. Kudva, Esq., C.I.E., I.C.S.,
Secretary to Government.

To
The Secretary to the Government of Bombay,
Public Works Department,
B O M B A Y.

Dated, Fort St. George, the 3rd October ~~September~~ 1946.

Sir,

Sub:-Inspection of certain electrical Engine sets by the Superintending Engineer, Andhra Power System and the Assistant Engineer, Kurnool in the first week of October 1946 - Request to afford facilities.

...

I am directed to state that the Superintending Engineer, Andhra Power System and the Assistant Engineer to be in charge of the ~~Kurnool~~ Kurnool Electrical Undertaking are visiting Hubli in the first week of October 1946 for purposes of investigating

the

the feasibility of obtaining the crankshaft of an old Krupps engine lying idle at Hubli for replacing the broken crankshaft of the large engine at Kurnool and for inspecting a 150 K.W.Worthington Simpson Engine set now running at Hubli under Bombay Public Works Department authorities. I am to request that telegraphic instructions may kindly be issued to the Bombay Public Works Department authorities at Hubli very urgently to afford the necessary facilities to the two officers of this Government.

Your obedient servant,

S. Krishnamachar

for Secretary to Government. 31/10

PCB/-

E(4)(6)10

P. W. D.
No. 3660/36.
Journal No. 40957,

5660/36
40957

El Br (I) P.W.D.

Submitted

2. The Sl. Engr to Govt may be requested u.o. to issue telegraphic instructions to the Dy. Engr in charge Hubli Electric subdiy to afford the necessary facilities to the two officers of the Madras Govt. As the matter is very urgent the papers may be submitted to this day (9) for information on their return from the Sl. Engr to Govt

3. Reg: the old Kruppps engine retd to by the Madras Govt it is observed for information that the Municpl Commr Kurnool & the Sl. commr with the Govt were informed in March 1946 that Govt would not object to the sale of the engine in question provided the parties approach the Hubli Mly Coy & obtain its consent in writing to do so such a sale. The consent of the Coy was & is necessary so long as the sale of the undertaking

57

to Govt is not complete - vide proceedings on pp 23-43 ante. This question however does not arise at this stage.

GM
10/10/46

GM
11.X.46

Immediate.

U.O. to the Sl. engr to Govt, dt 11.10.46 D.S

U.O

No. 2Rem 11/ B of 12/10/1946.

Reference 1st correspondence

2 The necessary telegraphic instructions are issued to the Deputy Engineer I/c Hubli Electrical Undertaking

E1(1)
12/10

D.No. IV/10

P. W. D.
File No. 5660/36
Serial No. 41520

E1(1) 12-10-46

Superintending Engineer to Govt.
P. W. D. General.

El. Br (I).

P.W.D.

Submitted. Pl put up, may issue & the papers may then be submitted to the Secy (P) for information.

GM
12/10/46

GM
13.X.46

45

5660/36
~~40957~~
41520

No 5760/36 El (I)

P.W.D.
Bc. 14th Octr 1946

To

The Secy to the govt of Madras,
P.W.D, Fort St George, Madras

Sub: — As on p 45 ante

Sir,

P. 45

I am to refer to your letter no 470 R/46-2, & the 3rd Octr 1946, and to state that telegraphic instructions have been issued to the Exy. Engr in charge Hubli Electrical undertaking to afford the necessary facilities to the

3660/36
41520

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has appears mentioned by you

Y.O.S

SRA
12/10/46

forward & submit to the Secy (I)
for information

GII
13/10/46

E(Br(I). (Vide Mr. 45 of Feb) P.W.D.

Submitted for information.

D.S.

SRA
15/10/46

Issued
VEK
14/10

Filed

THE SECOND K 51

KARNATAK VILLAGE INDUSTRIES EXHIBITION

(Organised by the Dist. Local Board Dharwar.)

President : B. R. Tambakad
Secretary : B. S. Patil
Organiser : R. S. Hukerikar

Hubli.

~~Dharwar~~ 10/10/ 1946

All correspondence should be addressed to the organising secretary Mr. B. S. Gore, Shivaniketan, Hubli.

9/152/46

The Secretary P.W.D.
Government of Bombay.
Bombay.

Sir,

We are having a Village Industries Exhibition in Hubli from 30th. of Octr. to 9th. Novr. The Exhibition will be opened by Sjt. V.L.Mehta the Hon. Minister for Finance and Industries to the Government of Bombay. We are having Ellectri- installation temperorily fixed in the Exhibition premices. We here by request you to give us the energy at a concession rate. The Government is prepared to give energy to the Hubli Municipality at the rate of As.4/- per unit. As the Exhibition is arranged for the benifit of poor villagers and as the D.L.B. is not intending to make any profit thereby we request you to shw us the same concession. Hoping to receive your kind considerati and thanking you,

We remain,
Yours Obediently,

Organising Secretary,
The Second K.V.I.Exhibiti

REF. No. 897
REC'D. 11-10-46
DEPT.
REMARKS

3 53

Below letter No.G/152/46 dated the 10th October 1946, from the Organising Secretary, the Second Karnatak Village Industries Exhibition, Hubli, addressed to the Secretary, Public Works Department, Government of Bombay.

======

No.IRM.11/ of 1946-47. Public Works Department, Bombay, 16th October 1946.

Passed on with compliments.

2. It is reported by the Deputy Engineer, Hubli Electric Supply, Hubli, that the exhibition, in question, is to run for 10 days and the total energy likely to be consumed will be between 300-400 units. The rate chargeable for the energy consumed is annas eight per unit as sanctioned in Government Resolution, P.W.D. No.5660/36 dated 23-10-1944.

Fil. 240/36

3. As the supply is for a temporary period and the exhibition is intended for the charitable purposes, there seems no objection to charge a concessional rate of annas four per unit, as a special case, as requested by the Secretary.

4. It is requested that very early orders may be issued in the matter.

Electrical Engineer to Govt.

L.M.

5260/36
42274.

4/54

El. Br (I)

PWD

Submitted for orders whether the proposal in para 3 of the El. Engr's memo overleaf may be agreed to in consultation with the F.D.

This El. Br (II) :-

19/10/46

I have no objection

9/10/46

V. Urgent ✓

4.0. CFD., dt 21-10-46

+ with Fil 5260/36/7552

F.D.

The P.W.D. proposal may be accepted.

22/10

RB E 23/40.

5660/36
43292.

El (II) 17-10-46

PRO
19-10-46.

FINANCE DEPARTMENT
File No. A
Secy (Fin) 21/10/46
Secy to F.D.

E/(I) RG
17/10

5660/36
42274

5660/

(I)

Noted by the P.W.D. dt 22/10/46

55

5660/36
42274

Tl. Br. (I) P.W.D.

Submitted with reference to the note on p. 1 ante.

2. The draft put up may issue and the papers may then be submitted to the H.M. P.W.D. for information.

23/10/46

28/10/46

24/10/46

5660/36
42276

No 5660/36 El (I) P. W. D
B. C. 25th Octr 1946.

To

B. S. Gore Esqr
Organising Secretary
The second K. V. I. Exhibition,
'Shivaniketan' Hubli.

Sub:— Supply of electricity at a concessional rate to the second K. V. I. Exhibition

Dear Sir,

With reference to your letter No G. 152/46 d. the 10. 10. 46 I am to state that instructions are being issued to the authorities concerned to supply energy to the exhibition at a concessional rate of annas four per unit, as a special case.

Yours Ffly

D. A: Nil.

Copy for information & necessary action to

The El. Engr to Govt (with reference to his memo No ERM 11/2689 d the 16-10-46)

&

The Dy. Engr, Hubli Electric Supply, for info.

Issued 25/10/46

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23/10/46

23 X 46

687/46

T 5[illegible]

5260/36

42274

El. Br (I)

P.W.D.

Re submitted

2. The letter on the previous page has been issued. The papers may now be submitted to the H.M. P.W.D for information - vide para 2 of the O.M. of the

23.10.46

26/10/46.

26/10/46

H.M. P.W.D.

29/10/46

26/10/46

T 59

Copy of letter No.1981/45,dated the 25th July 1945,from Joshi & Co., Solicitors,to the Electrical Engineer to Govt.,

With reference to your letter No.S.R.M.11/1760 of 1944,dated the 19th July 1944 addressed by you to our clients,The Hubli Electricity Co.Ltd.,we are instructed by them to write to you in reply thereto as under:-

Our clients say that as all the account-books vouchers etc.of the Co.have been taken over by Govern ment,our clients are not in a position to verify the quantity and also the value of the stores mentioned therein and further they are also not in a position to submit their receipted bills for the same as desired by you.

We are,however,instructed by our clients to state that without admitting the correctness of the said stores and also without prejudice to their contentions in the suits and also in Appeals pending between them and the Province of Bombay,our clients say that in fairness they should be paid a sum of Rs.7,581/- on account, which they estimate as the minimum cost of the various stores referred to in your said letter under reference. The said amount of Rs.7,381/-is made up as per particulars given below:-

1.	4069 Gallons Crude Oil	Rs.6,000/-
2.	373 Gallons Lubricating Oil	Rs.1,100/-
3.	100 LBS Calcium Carbide.	Rs. 150/-
4.	14 bags charcoal.	Rs. 75/-
5.	25 Cft.Lime Mortar.	Rs. 10/-
6.	1 Flask Oxygen Gas	Rs. 15/-

60

7.4 Tins Keresene Oil.. Rs.25/-
8.5 gallons Petrol (in motor-tank.) Rs. 6/-

Total Rs.7,381/-

We are now instructed by our clients to request you to kindly remit to us on our clients' behalf the aforesaid sum of Rs.7,381/- being the approximate cost of the said stores said to have been taken over by the Government or such other sum as you may consider reasonable on account, pending the final settlement, when the account books and vouchers etc. in respect of the said stores are made available to our clients.

Your immediate attention to the above is requested.

True Copy

S. Wagle

Head Clerk to the
Electrical Engineer to Govt

61-3

No.LRM.11/2560 P.W.D.Offices, Churchgate St., Fort, Bombay 7/8 September 1945.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:-Hubli Electricity Co.Ltd.- cost of stores taken over.

---

pp.1-2

1. I enclose a copy of letter No.1981/45 dated the 25th July 1945, from Messrs.Joshi & Co., Solicitors for the Hubli Electricity Co.Ltd., claiming on their behalf, payment for the value of stores taken over by Government.

2. The actual cost of the stores as verified from the bill and vouchers traced from the Company's records amounts to Rs.3580-5-8 against the estimated value of Rs.7381/- as assessed by the Company.

3. These stores have been included in the inventory sent to Government with this office letter No.LRM11 1745 dated 11-7-45 and in my opinion, the question of payment for their cost may be deferred till the final settlement as regards the purchase of the undertaking, as there are other adjustments to be effected in respect of certain payments so far made by Government for the Company viz. war risks Insurance premium, Municipal taxes etc. and which have been similarly held over.

4. It is requested that the Solicitors to Government may be consulted in the matter and asked to

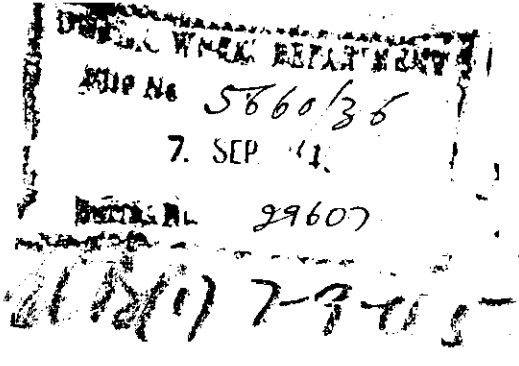
4 62

suggest the lines on which the reply to the Company's Solicitors may be given.

5 This may please be treated as urgent.

Electrical Engineer to Govt.,

ECB 5/9



5660/36/29607.

5/63

El. Br. cls

The Nubli Ely. Co., Ltd., claims 1-1-1-2 from Govt. Rs. 7381/- on account of their stores taken over by Govt. The actual cost of the stores as verified from the bill & vouchers etc. of the co. p. 3 amounts to Rs. 3580-5-8. The El. Engr. to Govt: p. 3 proposes to defer the payment of the cost of stores till the final settlement; re: the purchase of the undertaking etc, is arrived at. The main file on the subject containing the reference quoted by the El. Engr. to Govt; in his p. 3 letter, within, has been refd. u.o. to the Solicitors to Govt. since 23-7-45. These papers may also be refd. u.o. to the Solicitors to Govt. for advice w.r.t. para 4 of the El. Engr. to Govt's. letter, within.

* 5661/5/33.

163
14/9/45 Asstt

Cll 14.IX.45.

[illegible] cl 17/9/45

7 65

Bombay, 18th Sept. 1945

No. L/NV 4810/45 of 1945.

P.5

Below U.O.R. dated 17-9-45.

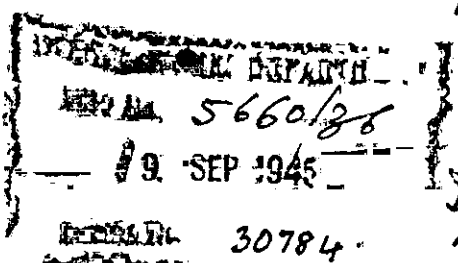
The consideration for the Stores taken over by Government from The Hubli Electricity Co. Ltd. should in our opinion have really been included in the price offered for the Undertaking. However, since this item was not included in the price offered by the Government, we suggest that the Company's Solicitors be now informed that in --- Government's opinion the correct price of the said Stores as per the Bills and Vouchers relating to the same is Rs. 3580-5-8, and that Government will pay the said amount at the time of the final settlement and payment of the purchase price of the Undertaking.

A

M.

Solicitors to Government.

S 66



No. LRM.11/2671 of 1945.
P.W.D.Offices, Churchgate Street,
Fort, Bombay, 17th September 1945.

From:

The Electrical Engineer to Government,
Public Works Department, Bombay.

To

Messrs.Joshi & Company,
Solicitors, Bombay.

Re:- Hubli Electricity Co., Ltd. -
Cost of Stores taken over.

Dear Sirs,

I am in receipt of your letter No.2504/45 dated the 12th instant, and would inform you that the matter has been referred to Government and their orders are still awaited.

Yours faithfully,

Electrical Engineer to Govt.

2672 Copy forwarded, with compliments, to the Secretary to Government, Public Works Department, Bombay, with reference to this office letter No.LRM.11/2560 dated the 7th September 1945, with a request to issue early orders in the matter.

5660/36/30563 & 30784

EL. Br. (1).

Submitted (together with srl. No. 30784) w.r.t. the O.N., d. the 14-9-45.

2. The opinion of the Solicitors to Govt. may be shown u.o. to the El. Engr. to Govt. w.r.t. his letter, d. the 7-9-45, and he may be requested to reply to the Govt. Solicitors as at "A" on p. 7 ante.

183.
24-9-45.

GH
24 IX 45

U.O. to the Engr. to Govt.
25-9-45

25 SEP

E.S.

WORKS DEPARTMENT
FILE No. 5660/36
17 SEP 45
DIARY No. 30563.

Below U.O.R.No.5660/36/30563 dated the 25th September 1945, from Government in the Public Works Department.

No. LRM 11/2973 of 1945.

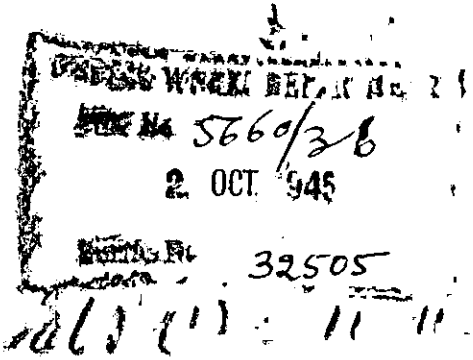
Bombay, 2nd October 1945.

Returned, with compliments.

2. The Company's Solicitors are being informed as at "A" on page 7 ante.

Electrical Engineer to Govt.

P.



5660/36/32505

El. Br. (1)

Submitted for information
P-10
w.r.t. the O.N. d. the 24-9-45 NO further action is necy. on these pps. for the present.
183.
3-10-45.

2/10/45

S-A-S.

71 +3

Copy of letter No.LRM.11/2843 dated the 28th Sept.1945, from the Electrical Engineer to Govt, Public Works Department, Bombay, to ~~xxx~~ Messrs. Joshi & Co., Solicitors, Bombay. Re:-Hubli Electricity Co.Ltd.,-payment of the cost of stores taken over by Government.

In continuation of our letter No.LRM.11/2671 dated the 17th instant, I have to inform you that the correct price of the stores referred to in para 3 of your letter No.1981/45 dated 25-7-45, is in the opinion of Government, Rs.3580-5-8 as per the bills and vouchers relating to the same and that Government will pay the said amount at the time of the final settlement and payment of the purchase price of the undertaking.

True Copy,

Silvaple

Head Clerk to the Electrical Engineer to Govt.,

Copy of letter No.3326/45,dated 5th December 1945,from ~~the~~ Joshi & Co.,Solicitors,Alli Chambers,Medows Street,Fort, Bombay,to the Electrical Engineer to Govt.,Public Works Department,Bombay.Re:-Hubli Electricity Co.Ltd.,-payment of the costs of stores taken over by Government.

We are in receipt of your letter No.LRM.11/2843 dated 28th September last and bearing No.LRM.11/2843 and have to inform you that we have now received instructions from our clients thereon and are instructed to write to you in reply thereto as under:-

Referring to the contents thereof,we are instructed to write to you in the first instance that the amount mentioned therein is not the correct value of the stores taken over by you. Our clients say that the said price must be calculated according to the then prevailing market rate and not as per the bills received by our clients at the time of their purchase,as has been done by you. Our clients further say that if the said stores are thus properly valued, the amount of the valuation will be about Rs.7,381/-as mentioned in our previous letter to you.

We are further instructed to point out to you that the payment of value of such stores as has been taken over by you cannot in any event be delayed or postponed until after the final settlement, and payment of the purchase price of the undertaking as a whole. Our clients say, that this latter payment has nothing to do whatsoever with the payment for the stores and goods which have been admittedly apropriated and consumed by you.

In this respect our clients wish to draw your attention to Sec.70 of the Indian Contract Act read with Sec.32 of the sale of Goods Act which makes it obligatory upon the purchaser to make payment concurrently against the delivery of the goods by the seller. Our clients say that the Crown has not been given any special powers under the said Act. Our clients further wish to point out to you, that the Judgment of His Lordship the Hon'ble Mr.Justice Blagden in High Court Suit No.1385 of 1944 is absolutely clear on the point. Our clients take this opportunity to bring to your notice a relevant passage in His Lordhsip's Judgment which reads as under:-

> "It seems to me quite clear that a vendor,apart from a special contract,is not bound to part with possession of the property he is selling until he is paid the purchase price.
> "They (the plffs) might perfectly have gone a step further, and said we will not hand over possession to you until you pay us in cash."

From the above passage it will be observed by you that the payment of the stores and goods in question has been held to be obligatory and peremptory in this matter,and that it must and ought to have been paid by you no sooner the said stores and goods were taken over by you.

~~Without~~ prejudice,however,to the above and without admitting the correctness of the amount as mentioned above,our clients say, that they are ready and willing to accept the said amount as a payment on account,subject to verification of the then prevailing market rates.

Under these circumstances,we are once again instructed by our clients,to request you to kindly send to us on their behalf your cheque for the said amount of Rs.3,580-5-8 as payment on account as aforesaid at your earliest convenience.

True Copy,

S.Z.Wagle

Head Clerk to the Electrical Engineer

+T 75

No.LRM.11/ [illegible]

P.W.D.Offices,Churchgate St.,
Fort,Bombay 75 Decr.1945.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:-Hubli Electricity Co.Ltd.,-cost of stores taken over.

Ref:-This office U.O.R.No.LRM.11/2973 dated 2-10-45.

P 13

I enclose copies of this office letter No.LRM.11/2843 dated the 28th September 1945, addressed to Messrs.Joshi & Co., Solicitors, Bombay, and their letter No.3326/45 dated 5-12-45 P 15 being reply thereto, and request that Government may be pleased to refer the matter to the Solicitors to Government, Bombay for their early advice as to the action that may be taken by this office.

Electrical Engineer to Govt.,

5660/36/40875

~~18~~ 16

El. Br. (1)

Submitted.

2. Pl. see proceedings on pp. 5-12 ante.

3. It will be seen from the letter on p. 15 that the Hubli Ely. Co is not prepared to wait till the final settlement of the purchase price of the undertaking and insists that Govt. should pay the Co. Rs 3580-5-8 on account of their stores taken over by Govt. subject to verification of the then prevailing market rates. As proposed by the El. Engr. ~~to Govt~~, the Solicitors to Govt. may be requested u.o. to advise as to what action may be taken by Govt. in the matter.

PCB I 10/12

PUBLIC WORKS DEPARTMENT
File No. 5660/36
8. DEC. 1945
Item No. 40875

CH 15/XII/45 D-S.

ABS. 14-12-45. U.O. to Solicitors to Govt. dt 17-12-45

77

Below U.O.R. dated 17-12-45
File No. 5560/36
Serial No. 40875

Bombay, 19th June 1946.
M/NV 5152 of 1946.

Though this item relating to stores taken over from the Company was not included in the price offered by the Government, we do not agree with the Company's Solicitors' demand for immediate payment of whatever amount Government considers the proper price for the said stores. We are however inclined to agree with the said Solicitors that the correct price due to the Company for the said stores must be based on the fair market value of the said stores on the date of the said purchase, and not on the bills and vouchers relating to the original purchase of the stores by the Company.

We therefore suggest that a proper valuation be made of the said stores and that the Company's Solicitors be informed of the actual amount so arrived at by the Government, which should be added to the purchase price of the Undertaking and paid to the Company at the time Government pays the full price of the Undertaking.

A

Solicitors to Government.

JV.

W. D.
File No. 5660/36
Serial No. 23583

5660/36
23583

75

El. Br (I)

P.W.D.

Submitted with reference to the O.M. on p 18 ante.

2. The papers may be returned to the El. Engr to Govt with reference to the suggestion of the Solicitor's Govt overleaf. with a request to ~~report~~ ~~how he proposes to make a~~ later steps for the proper valuation of the stores in question and to report the actual amount Govt the actual amount arrived at.

4/7/46

Ch 1.7.46

1/7/46

D.S.

W.O. to El. Engr to Govt, dt 2-7-46 W.O

1948

Below U.O.R.No.5660/36/23563 dated the 2nd July 1946, from Government in the Public Works Department.

No. L.Rev.11 of 1946.

Bombay, 30th September 1946.

Returned, with compliments.

2. The correct price of the stores referred to at page 1 ante due to the Company on the basis of the fair market value of the said stores prevailing at the time of taking over is Rs.3,901-11-6, as shown below:-

Item No.	Particulars.	Amount. Rs.
1.	4069 gallons Diesel Oil @ Rs.25 per 45 gallon barrel. ...	2,260-9-0.
2.	315 gallons Caltex Ursa Md.Hy.lubricating oil at Rs.4/6/- per gallon(not including discount of 25% usually given on large purchases). ...	1,378-2-0.
3.	Calcium carbide, 100 lbs.	150-0-0.
4.	14 bags charcoal @ Rs.4/8/- per bag. ...	63-0-0.
5.	25 c.ft.Lime Mortar ...	10-0-0.
6.	1 flask Oxy.gas cylinder	15-0-0.
7.	4 tins kerosene oil @ Rs.4/8/- per tin. ...	18-0-0.
8.	3 gallons petrol @ Rs.2/5/6 per gallon. ...	7-0-6.
		3,901-11-6

3. The local market value prevailing at the time of taking over has been ascertained by the Deputy Engineer, Hubli, in respect of items Nos.1,2,4,5,7 and 8, and the values shown are arrived at on these prices. As regards the remaining items Nos.3 and 6, the local prevailing rates at the time of taking over are not available and hence, the Company's claim, which appears to be reasonable, has been admitted.

4. As regards the reduction in quantity of item No.2, it may be stated that in accordance with Government Letter, Public Works Department, No.5660/36-El. dated the 11th April 1945, the bill amoun-ing to Rs.1,215/- for the lubricating oil supplied by Messrs.Valvoline Oil Co., Bombay, to the Hubli Electricity Co.,Ltd. Hubli, which included the cost of 58 gallons of lubricating oil, was paid by the Executive Engineer, Electrical Divi-sion, Bombay, to Messrs.Valvoline Oil Co. Hence, the quantity of ~~58 gallons~~ 58 gallons has been deducted from 373 gallons thus....

thus reducing it to 315 gallons.

Electrical Engineer to Govt.

P.

E(W)30/9

P. W. D.
File No. 5660/36.
39482

7 81 5660/36
39482

El Br (2). P.W.D.

Submitted

2. These papers deal with the payment of price for certain stores taken over when the control of the electricity undertaking at Hubli was taken over these items of stores have not been included in the purchase price for the undertaking offered to the Hubli Mu. Corp. did. The Corp valued the said stores, which are detailed on pp [illegible] and at Rs 7,381 approximately and demanded this sum or such other sum as Govt may consider reasonable on account, pending the final settlement. The actual cost of the said stores as verified by the El Engr from the bills & vouchers traced from the Corp's records amounted to Rs 3,580-5-8. As advised by the Solicitors to Govt the Corp's Solicitors were informed by the El Engr of the actual cost & that the said amount will be paid at the time of final settlem and payment of the purchase price of the undertaking. The Solicitors of the Corp however did not agree to the valuation made by El Engr and stated that the price of the said stores

must be calculated according to the then prevailing market rate and not as per the bills read by the Coy at the time of purchase of the said stores. The Solicitors to Govt. agreed with the Coy's Solicitors in this respect and suggested that a proper valuation of the said stores be made accordingly & the Coy's Solicitors informed of the said amount which should be added to the purchase price of the undertaking and paid to the Coy at the time Govt. pays the full price of the undertaking

3. The Rly. to Govt. has valued the said stores accordingly at Rs. 3,901-11-6 excluding the cost of 58 gallons of lubricating oil the bill (Rs 1215) for which has been paid to the Suppliers - Messrs Valvoline oil Coy. Bombay - by Govt. The original claim made by the Coy, which was approximately shown against the valuation now made by the Rly. to Govt on p. ante. It will be seen that the Coys original claim in respect of item (1) was far more than the valuation now made while in respect of item (2) it was less than the valuation now made. Since the valuation is made mostly on local market value prevailing at the

The figures in pencil entered below item 2 on p. 21 are misleading. Rs 1,215 represents cost of 58 gallons of lubricating oil plus other materials purchased from M/s Valvoline Co. The actual difference is about Rs 550/-

CLS

5660/36
39482

83

time of taking over the undertaking as advised by the Solicitors to Govt it is for consideration whether it may be accepted in consultation with the F.D.

4. As regards the purchase price of the undertaking the Co has not accepted the offer so far and the question of appointing an arbitrator ex-parte is under separate consideration.

83-1
23/10/46.

May be accepted in consultation with the FD

23/10/46.

Yes, the valuation seems quite reasonable.

24/10/46

FINANCE DEPARTMENT
28/10/46

+ U.O. to F.D. dt 28-10-46

+ with file no 5660/36 VI.

Finance Department (E)

19

In view of the opinion of the Solicitors to Govt, F.D. may agree to the valuation made by the El. Engineer to Govt. being accepted. It is presumed that the payment will be made to the Co. at the time Govt pays full price of the undertaking — Vide concluding portion of the Solicitors opinion.

31/10

U.O. to PWD. dt. 1-11-46

23/10

31.10.46.

with file 5660/36 VI

31/10/46

5660/36
44651

El. Br (I). P.W.D.

Submitted with reference to the proceedings on p/p ante.

2. The F.D. agrees to the valuation made by the El. Engr to Govt. If it is approved, further action will be taken as suggested by the Solicitors to Govt at "A" on p/ ante.

621
4/11/46

action as proposed by the Solicitors to Govt. may now be taken.

6/11/46

Hon. PWD.

7/11/46

accepted
8/11/46

Resubmitted

2. The papers may now be returned u.o. to the El. Engr to Govt with a request to inform the Coy's Solicitors, with reference to their letter to his address, of the amount of the valuation made with an intimation that the said amount will be paid to the Coy at the time Govt pays the full brick & the undertaking.

E(L) 2/11

621
7/11/46

Sy 10/11/46

P. W. D.
File No. 5660/36
Serial No. 44651

u.o. to the Electrical Engr to Govt. of 11.11.46

JA

2185

Below U.O.R.No. 5660/36/44651 dated the 16th November 1946, from Government in the Public Works Department.

No.LRM 11/ 8150 of 1946.

Bombay 13th November 1946.

Returned with compliments.

2. The Company's Solicitors are being informed as per para 2 of the Secretariat office note dated the 8th November 1946.

Electrical Engineer to Govt.

H.

660/36
46244

Sl. Br (I). T.W.D.

Submitted with reference to the o.n. & the 8.11.46.

2. The papers may now be kept in 'await' till the question reg. the purchase price of the undertaking is decided.

DMB
15/11/46

E1(1)
13/11

521
14/11/46.

P. W. D.
File No. 5660/36
Serial No. 46244
15 11 '46

Statement showing travelling allowance paid to persons for attending the High Court in connection with the suit against Government by the Hubli Electricity Co.Ltd.,

S.No.	Name.	Railway fares.	Other charges (Tonga hire).	Daily allowance. No.of days.	Rate per day.	Amount.	Total.	Remarks.
		Rs.	Rs.		Rs.	Rs.	Rs.	
1.	Mr.M.L.Amte.	180-06-0	2/-	11	5-0-0	55-0-0	237-6-0	2nd class Single railway fares from Hubli to Bombay and back 3 trips
2.	" R.V.Birur	60- 2-0	2/-	4	5-0-0	20-0-0	82-2-0	-do- -do- 1 trip.
3.	" C.D.Mongdi.	60- 2-0	2/-	4	5-0-0	20-0-0	82-2-0	-do- -do- 1 trip.
4.	" G.M.Tagarsi.	60- 2-0	2/-	4	5-0-0	20-0-0	82-2-0	-do- -do- 1 trip.
5.	" S.P.Gaikwad.	58- 6-0	-	4	5-0-0	30-0-0	78-6-0	-do-from Dharwar to Bombay and back.
6.	" M.B.Nagnik.	48- 6-0	-	3	5-0-0	15-0-0	63-6-0	- do-from Belgaum to Bombay and back.
7.	" I.I.Dengara	39- 4-0	-	-	-	-	39-4-0	3rd class railway charges from Hubli to Bombay and back 2 trips.
8.	" D.L.Nandurg.	39- 4-0	-	3	0-8-0	1-8-0	40-12-0	-do- -do- 2 trips.
9.	" R.Y.Dakle.	19-10-0	-	2	0-8-0	1-0-0	20-10-0	-do- -do- 1 trip.
10.	" S.K.Karve.	96- 0-0	-	2	3-4-0	6-8-0	102- 8-0	Interclass railway fare from Hubli to Poona and Poona to Bombay and back - 3 trips.
11.	" Hallikeri.	0-12-0	-	-	-	-	0-12-0	3rd Class Railway fare from Hubli to Dharwar and back.
		662- 6-0	8/-			150-0-0	829- 6-0	

Electrical Engineer to Government

No.LRM.11/ [illegible] of 1946-48. P.W.D.Offices, Churchgate St., Fort, Bombay, 2nd June 1946.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:- Grant of travelling allowance and daily allowance to the witnesses summoned by the High Court in connection with the suit against Govt. filed by the Hubli Electricity Company Ltd.

=====

A statement showing therein the amounts of travelling allowance, daily allowance etc. paid to the persons for attending the High Court summoned as witnesses to give evidence in connection with suit No.610 of the Hubli Electricity Co.Ltd., Hubli, against the Province of Bombay is enclosed. The above payment was made to the parties concerned by the Executive Engineer, Electrical Dn., Bombay, after consulting the Solicitors to Government and this office by debit to the suspense head "Misc.P.W.Advances" which was subsequently debited to the head "81-A-Capital out-lay on Electricity Schemes - Establishment allowance" as per Government Letter, P.W.D. No.5660-36-El(I) dated the 6th July 1945.

The persons mentioned in the list at Serial Nos.1 to 6 are private individuals whereas the remaining are borne on the work-charged Establishment of the Executive Engineer, Electrical Dn., Bombay. The private individuals have been paid II class railway fares and Daily allowance at Rs.5/- per day each plus tonga hire at Rs.2/- each and the members of the work-charged Establishment have

been paid their travelling allowance and daily allowance according to the existing rules.

The Accountant General, Bombay, however, in his audit note on the accounts of the Executive Engineer, Electrical Division, for the month of June 1945, has taken objection to the payment referred to above and has suggested to obtain sanction of Government therefor.

I, therefore, request that Government may be pleased to accord their sanction to the grant of travelling allowance, daily allowance and tonga hire at the rates already paid to the private persons concerned as advised by the Solicitors to Government.

Encl. 1 List.

Electrical Engineer to Govt.

P. W. D.
File No. 5660/36
Serial No. 24044

5660/36/24044

91

El. Br. Cls. P. W. D.

The El. Engr's. letter within is self-explanatory. In the circumstances stated by that officer, sanction may be accorded, in con. consultation with the F. D. to the grant of travelling allowance including daily allowance ~~and~~ ~~foreign leave~~ at the rates already paid to the witnesses summoned by the High Court in con. with the suit against Govt., filed by the Hubli Ely. Co., Ltd.

ASS. 9-7-46 Thro' EB Clls.

W 12-7-46

CH 12/VII/46

2 S. 9co. to the F. D; d. the 15 -7-1946.

to FS

FINANCE DEPARTMENT File No. C 1517/46 Serial

13- 4

F.D. C

The P. W.D. may, in the first instance, be requested to forward the proceeding underlying the C.C. P.W.D. 5660-36-EL(I) dated the 6th July last.

E(I) 19/7

D.M.(II) Shua. 19.7. 18

DTH) 18/7

P. W. D. File No. 5660/36 Serial No. 28047

S.H.S.

U.O. to the P.W.D. d. 18.7.46

F.P. & M.

5660/36/~~21044~~ 21647 & 97

El. Br. dy P. W. D.

~~Returned to the F. D.~~

1/. File No. 5660/36 containing the proceedings underlying G.L. No. 5660/36-El.dy, of the 6-7-~~46~~ 45, is put up and may be sent ~~ASS~~ to the F.D. along with 31-7-46 these papers.
1-8

DM
1/8/46

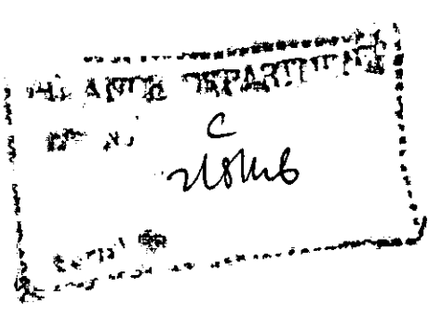
* pp. 29-40 of the file placed below

S.A.S.
for F.D.

U.O. No. 1/8/46

U.O. of F.D. dt 2-8-46

+ with file no 5660/36/19575



El. Br. (1) 7/13

5660/36/28047

File 5660/36/28047 reg. T.A. and D.A. to the staff of the Hubli Ely. Undertaking was refd. u.o. to the F.D. on 1-8-46. As it is not yet recd. back that Deptt. has been expedited on 25th September 1946.

24/9/46

24/9/46

Issued 25/9

24/9

9/95

Finance Department.'G'

The Electrical Engineer has requested that Govt. may accord their sanction to the grant of travelling allowance, daily allowance and tanga hire at the rates already paid to the private persons summoned to give evidence on behalf of Govt. Please see Rules 177 and 179 of Rules of the High Court. As the payment has been made in consultation with the Solicitors to Govt., it may be presumed that it is in accordance with the scale prescribed by the High Court. If so, post facto sanction may be accorded to the payment.,

2. The Electrical Engineer states that members of the work-charged establishment have been paid according to the Existing rules. It appears that by "existing rules" he means the B.C.S.Rs.. Sanction may, therefore, be accorded to that payment also.

3. It is presumed that in case, the case is ultimately decided in favour of Govt. these items of expenditure will be included in the tax-cost.

Sma. 21/9/46

25.9.46

gHS

w.o.R. from the P.W.D. dated 26/9/46 (with P.WD. file 5660/36

Dte Sh. E/E(1) 27/9

P. W. D.
File No. 5660/36
Serial No. 39086

E in C(1). 7-3-46
mw B

5660/36/39086

96

El Br. dls P. W. D.

Submitted with refce. to the O. N., dt. the 31-7-46.

2. The El. Engr. to Govt. may be requested wo. to confirm the presumptions made by the F. D. in ~~paras 1, 2 & 3 of~~ its note 1 & 9 within.

ASS
10-10-46.

Thro' EB dls

16-10-46

3. The rules mentioned in para 2 overpage are not the B.C.S.Rs but para 92 (C) of the P.W.D. Manual. Sanction of Govt is not necessary in the case of t.a. to work-charged men, which can be granted by the Ex. Engr. under the above rule. The El. Engr to Govt has applied for the sanction of Govt to the t.a. paid to private persons only. 5.4

(25) S.A.S.
W.O. to El Engr

DNB
17/10/46

16-10-46

S.A.S

W.O. to El Engr to Govt, dt 18-10-46
+ with file wo 5660/36/19875

7

+ 97

Below U.O.R.No. 5660/36/39086 dated the 18th October 1946 from Government in the Public Works Department.

====

No.LRM 11/ 2964 of 1946.

Bombay 29th October 1946.

Returned with compliments.

2. As regards para 2 of Finance Department's note, it may be stated that the travelling allowance of the persons at serial Nos. 7 to 11 of the statement on page 1 ante, was debited to establishment under "81-A, Capital Outlay on Electricity Schemes", although the persons concerned are borne on the work-charged establishment of the Electrical Division, since the journeys were performed by them in connection with the suit and in private capacity and had no bearing whatsoever on the works to which their pay is usually charged. But the grant of Travelling Allowance in their case was restricted to the actual expenses in accordance with the rules applicable to the Work-charged Establishment as per para 92(c) of the Bombay P.W.D.Manual, Volume I. From the above clarification, it will be seen that the whole expenditure in connection with the Travelling Allowance to the persons summoned as witnesses is debited to the major head "81-A, Capital Outlay on Electricity Schemes and hence Government sanction to the grant of Travelling Allowance etc. to all the persons mentioned in the statement at page 1 ante appears to be necessary and it is requested that the same may be accorded.

R. 1.2.7 9 Manual

3. The presumption made in para 3 of Finance Department's note is correct.

4. The presumption made in para 1 of Finance Department's note on page 9 ante may please be got confirmed by the Solicitors to Government.

By Electrical Engineer to Govt.

E1(1) 30/10

P. W. D.
File No 5660/36
Serial No. 44086

5660/36/44086

El. Br. cls

P. W. D.

Submitted with refce to this Deptt. nor. d. the 18-10-46. p.10

2. Before taking any further action in the matter, the Solicitors to Govt. may be requested* no. to confirm the presumption made by the F.D. in para 10 of its note on p. 9 ante.

483 Thro' EB. cl's.
18-10-46.

* Vide, para 4 of El. Engrs. note overleaf.

1-11-46

CE 1.11.46

D S.

U.O. to solicitors to govt. 84. 11. 46.

~~13~~ 99

Below No. U.O.5660/36/44086
dated the 4th November 1946.

Bombay, 8th November 1946.
No. NV/10107 of 1946.

The Finance Department has correctly presumed that, the amounts allowed to the witnesses are in accordance with the scale prescribed by the rules, made in that behalf by the High Court. 1/11

Referring to paragraph 3 of the Finance Department's note at page 9 herein, we have made a note of the amounts paid to the various witnesses, and shall include the same in our Bill of Costs before submitting it for taxation 1/11

E/(1) 13/11

Solicitors to Government.

JV.

~~S.W.D.~~ 1/11

P. W. D.
File No. 5660/36.
Serial No. 46188

8/(1)12-11-46 mc

5660/36/46188

El. Br. cls

P. W. D.

Please see
(a) the O.N. at p. 5 ante, dt. the 9-7-46,
(b) the F.D. note at p. 9 ante, dt. the 25-9-46.

2. The presumptions made by the F.D. in paras 1 & 3 of its note have been confirmed by the El. Engr. at p. 11 ante & the Solicitor's to Govt. With refce. to para 2 of the F.D note and para 3 of the O.N. dt. the 16-10-46 on p. 10 ante, attention is invited to para 2 of the El. Engr's. remarks on p. 11 wherein, for the reasons given, he requests Govt. to accord sanction to the grant of t.a. to all the persons mentioned in the statement on p. 1 ante including the work-charged men also. The F.D. may see again.

~~x pt to dt C with pencil~~

ASS 14-11-46

Thro' E B cls

14/11

16-11-46

18

Ex U.O. 19/11

55.

FINANCE DEPARTMENT
File No. C
Date 19/11/46
Serial No.

+ U.O. to F.D. dt 19-11-46
+ with file no 5660/36/19595

El Cls 4/12

Finance Dept.'s file

Submitted w.r.t. this on. dated 5.9.46.
2. The proposal made by the P.W.D. in the foregoing note may be agreed to.

2 no. 30/11/12

DTD 7/12

P. W. D.
File No. 5660/36
Serial No. 49552.

El(1) 3-12-46.

SAS

no. R. to the P.W.D. dt. 2/12/46. (with 5660/36 R.W.D.)

101

5660/36
49652

E.B. (I)

P.A.D

Submitted with ref. to the P.A. O.M. d. the 14-11-46

Through E.B.(II)

6-12-46

6/12/46

2nd Ah
6/12

E.B.(II)

The draft. put up may issue, if approved.

13/XII/46

13.12.46.

D3

102

Letter.

No.5660/36-E(II). P. W. D.,
B.C., 14 Decr.'46.

To

The Elecl.Engr.to Govt.

Subject: Grant of travelling allnce.and daily allnce. to the witnesses summoned by the High Court in con. with the suit against Govt. filed by the Hubli Electricity Co., Ltd.

....

Reference: Correce. ending with your u.o.r. No.LRM.11/2964, dated the 29.10.46.

2. Sanction is accorded to the payment of Rs.829-6-0 ~~for the~~ as t.a. and d.a. already made to the witnesses summoned by the High Court in con. with the suit mentioned above.

3. The extra cost involved should be debited to the ~~major~~ head "81-A, Capital Outlay on Electricity Schemes" as proposed by you.

By order of the G. of B.

D.A.- Nil.

Copy forwarded to -

the F.D.,
the A.G., Bombay (thro: the F.D.),

for information.

13.12.46.

GJP.
13/12/46

13/12/46

Orders issued after consultation with [illegible] and can [illegible]

13/12

14/12.

ISSUED
On 16/12/46

LITTLE & Co
SOLICITORS & NOTARIES PUBLIC.
PARTNERS:
A.P. LILLIE.
C.H. MARTIN.
J.S. BAPASOLA.
CODE { A.B.C. 5TH & 6TH / BENTLEY'S / LIEBER'S
TELEGRAMS "LEGAL" BOMBAY.
TELEPHONE No 25082
(TWO LINES)

103

CENTRAL BANK BUILDING,
ESPLANADE ROAD,
BOMBAY.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 1132
Sub No. A 13/12/46

12th December 1946

No. NV/111/79

The Secretary to the Government of Bombay,
Legal Department.

L. D.
12 DEC. 1946

Sir,

Appeal No. 25 of 1945.
The Hubli Electricity Co.Ltd.
vs
The Province of Bombay.

We have the honour to enclose a copy of a letter dated the 10th instant, received by us from the abovenamed Appellants' Attorneys.

We have carefully considered the position and are of the opinion that Government were fully justified in taking over possession of the books of accounts relating to the Appellants' undertaking, pursuant to the order of the 3rd May 1944, as it is well within the powers of the Controller to take over the said books for the purpose of controlling and running the concern efficiently. We may however point out that at some stage in the near future, the acquisition of the said concern under the Indian Electricity Act will be completed, and that in that event it will become necessary to return the said books to the Appellants.

In the circumstances we would advise Government to instruct the Controller to hand over the said books of account to the Appellants, unless there is some special reason for not doing so.

Your obedient servants,

Solicitors to Government.

Encl.
JV.

Submd. with Suit file.

2. Please see the letter overleaf. It may shown up to P.W.D. with a request to issue such orders to the Controller as may be deemed fit.

Dy. Ex 92 Mds

P. W. D.
File No. 5860/36
Serial No. 2023

Dy. 14-1-47

D.R. 10/1

S.A.S. RW 10/1/47

A.L.R. RR 10/1

U.R. to P.W.D. No. 418 dt 14-1-1947.

3/105

JOSHI & CO.,
SOLICITORS

ALLI CHAMBERS,
MEDOWS STREET. FORT,
BOMBAY. 10th December 1946.

N.. 3190/46.

Messrs. Little & Co.,

Dear Sirs,

Appeal No. 25 of 1945.
Suit No. 610 of 1944.
The Hubli Electricity Co. Ltd.
Vs.
The Province of Bombay.

Under instructions from our client, Mr. Ramkrishna Limbajirao Amte, the Managing Agent of our clients, the Hubli Electricity Co. Ltd., we have to address you as follows :-

You are aware that in May 1944 your clients took possession of our client's undertaking including our client's office and all other papers, vouchers, books of account, stores etc.,

You are further aware that times out of number our client demanded possession of their books of account from your clients but your clients have so far not chosen to hand over the same.

Our client now informs us that a Notice has been served upon the Company by the Income-Tax Officer, Dharwar Division calling upon him to produce their books of account for the year 1943-44 for assessment of Income Tax due by the said Company for the said year.

Our client further informs us that he has been prosecuted in the Learned Chief Presidency Magistrate's Court at Bombay by the Registrar of Companies Bombay, Circle for not complying with the statutory obligations under the Indian Companies Act, and the said prosecution is still pending.

You will appreciate that our client all throughout in correspondence with your client had made the position clear, and had requested your clients through you, to hand over to him all the books of account and other papers in their possession. Our client says that the non-compliance of the Notice issued by the Income-Tax Officer will also entaggle him in another prosecution, for which your clients would be solely responsible. Our client says that he has still to complete his closing entries in the said account-books and unless the same are handed over to him, he cannot be complete them. Our

client

client says that merely allowing him to have inspection of the said books as offered by your client is of no consequence to him. Your clients had offered inspection of the said books of account, but as the inspection was not going to be helpful, to our client in any way, for the reason aforesaid, our client did not take inspection of the same. Our client says that the books of account are now -- required to be produced before the Income-Tax officer as aforesaid at a very early date.

Our client, hereby, repeats his assurance made by him previous--ly that he would be willing to allow inspection to your clients of the said account books etc as and when necessary.

We are, therefore, hereby instructed by our client, to call upon, and require, your clients finally through you, to hand over all the said books of account, statements, files, vouchers and other papers etc. to our client within a week's time from the receipt hereof by you, failing which we have perremptory instructions to take out a Notice of Motion before the Appeal Court, holding your clients respon--sible for all the costs and consequences which please let them note through you.

Yours truly,

Sd/- Joshi & Co.,

G/P.

~~15~~ 107

5660/36
2023

El. Br (I). P.W.D.

Submitted with reference to the L.D. note on p. 2 ante.

2. The papers may first be returned to U.O. to the El. Engr to send for remarks with specific reference to the concluding portion of the letter from the Solicitors to Govt

[illegible]
15/1/47

[illegible]
15.1.47

U.O. ✓ to El. Engr to send. 16-1-47

Below U.O.R.No.5660/36/2023 dated the 16th January 1947, from Government in the Public Works Department.

No. LRM.11/ 4283 of 1947.

Bombay, 3rd February 1947.

Returned, with compliments.

2. It would not be possible to hand over the records to the Company permanently till the completion of the sale of the undertaking to Government, as these records will be indispensibly required in connection with the suit No.297/1944 (Deccan Industrials & Estates, Ltd., vs. N.C. Raghavan and the Hubli Electricity Co.Ltd.) which is now pending in the First Class Sub-Judge's Court at Hubli and which involves issues of vital importance so far as the running of the Hubli Electric Undertaking is concerned. Further, the books of accounts are also required for the purpose of compiling the annual statements of accounts in connection with the undertaking from the year 1943-44 onwards, as required by Government - vide Public Works Department letter No.737/36-El.(I) dated the 26th July 1946.

3. The Deputy Engineer, Hubli Electric Supply, is, however, ready to hand over all records for the year 1943-44 (excepting journals and cash voucher files) to the Hubli Electricity Co.,Ltd., provided it gives a list of records required and further undertakes to return them back within a period of three months from the date they are handed over, as they will be required by the Deputy Engineer for the reasons stated in para.2 above.

4. In this connection, it is stated that the Company was on the previous occasions offered the facility of inspection of the records by the Deputy Engineer and it could have availed itself of that facility in preparing its accounts, etc., for the purpose of income-tax assessment and other purposes, for which the Company apparently requires to have the records.

Electrical Engineer to Govt.

P.

5660/36
5400

El. Br (I)

P.W.D.

Submitted with reference to the o.n. on p. 5 ante.

2. In the circumstances stated by the U. Engr overlooking the Dy. Engr in charge of Hubli Electric subdiv may be instructed as in para 3 (b) p. 7 of the tempri note. Ubg-10

3. The draft letter ub may issue if approved E.D. may see it u.o. before subms.

13/11/47

13/11/47

D.S. ✓

Engg.(9)

u.o.

E1(1)3/2

Dngr 22

P. W. D.
File No. 5660/36
Serial No. 5400

5660/36
5400.

No.5660/36-El.(I). Public Works Deptt.,
Bombay Castle, 4 February 1947.

To

Messrs.Little and Company,
Solicitors to Government.

Subject:-Appeal No.25 of 1945.
The Hubli Ely.Coy.Ltd.,
vs
The Province of Bombay.

Dear Sirs,

I am to refer to your letter No.NV/11179, dated the 12th December 1946, to the Secretary to Govt., Legal Deptt., and to state that it would not be possible to hand over the records to the Hubli Ely.Coy.Limited, till the completion of the sale of the undertaking to Govt. as these records will indispensably be reqd. in connection with a suit (Deccan Industrials and Estates, Limited, VS N.C. Raghavan and the Hubli Ely.Coy.Ltd.), which is now pending in the First Class Sub-judge's Court at Hubli and which involves issues of vital importance so far as the running of the undertaking is concerned. Further the books of accounts are also reqd. for the purpose of compiling the annual statements of accounts of the undertaking since its date of taking over by Govt.

2. The Dy.Engr. in charge of the undertaking is, however being instructed to hand over all records for the year 1943-44 (excepting journals and cash voucher files) to the Company provided it gives a list of records reqd. and further undertakes to return the said record within a period of three months from the date of its receipt (as they will be reqd. by the Dy.Engr. for the reasons mentioned in para.1 above). The Coy's solicitors may please be informed accordingly.

3. In this connection I am to add that the Coy. was on the previous occasions offered the facility of inspection of the records by the Dy.Engr. and it could have availed itself of that facility in preparing its

accounts.,

5660/36 7808

accounts, etc., for the purpose of income tax assessment and other purposes.

Yours faithfully,

Copy for information to the Electrical Engineer to Government with reference to his No.LRM.11/4283, dated the 3rd February 1947.

2. The Dy.Engr., Hubli Electric Supply, may please be instructed as in para.2 above.

ISSUED On.28-2-47

a.o. to S.D. before submn.

VA/15/2/47.

+ urgent
l.o. to Bangal Deptt, dt 14-2-47
+ with file no 5660/36 -VIII

Legal Department.

Seen and returned.

For Secretary to Government.

U.R. to P.W.D., No. 1690 dated the 18th February 1947.

DEPARTMENT
No. 1839
Date 14/15-2-47

P.W.D.
No. 5660/36
No. 7808

El. Br (I). P.W.D.

Submitted with reference to the d.o. dt the 13.2.47.

2. The draft letter may now issue, if appd.

20/2/47. The draft letter may issue.

P.S. 24/2

Issue.

113

To,

The Municipal E.M. Engr of Bombay.

Sir,

I wish to obtain such information as you have been in possession of with regard to the Proposal of the Municipal Corporation of Bombay to undertake the supply of electricity in the City of Bombay.

Acknowledge
Seen (9)
22/1

5660/36/3483

El. Br. cI,

P. W. D.

Acknowledged under

D.L. No. 5660/36-El.cI, d. the

24 -1- 1947.

23-1-47

24/1/47

Issued

24/1/47.

E1(11)23|,

P. W. D.
File No. 5660/36
Serial No. 3483

(1)

OF JOG POWER

115

In consideration of the consent given by the Government of Bombay to the Government of Mysore for the electrical development of water fall at Jog, the latter Government has agreed to sell to Bombay Government electric power up to 5000 H.P. (about 3,730 kWs.) at Jog on reasonable terms to be mutually agreed upon.

The problem of making the electric supply available at an economic price in the southern part of the Province, based on purchase of power from the Mysore Government, is under active consideration, and a further Press Note will be issued as soon as any definite conclusion is reached.

P 117

5660/36/3483

P. W. D.

El.Br.(I).

Submitted.

2. The letter has been acknowledged as instructed. The application of the Hubli Muny., referred to by Mr.Dundur, does not seem to have been received in this Deptt. It is also not known what particular application Mr.Dundur is referring to. The P.A. to H.M.,P.W.D., may be requested to state if any such application has been received by the H.M. and if so whether it has been forwarded to this Deptt.

3. It is added for information that the Commr., S.D., forwarded with his No.Mun/D., dated the 18th September 1946, an application dated the 15th August 1946 from the Hubli Muny., wherein that body represented to Govt. that electric energy from Gersappa Falls should be made available to Karnatak in general and Hubli in particular. The Muny. was replied to as per para.2 of G.L.No.S-92/38198-M, dated the 13th December 1946. A press note re: the purchase of power from Mysore Govt. has since been issued.

4. The pps. may be referred u.o. to the P.A. to H.M., P.W.D. with a request to elucidate the position with reference to para.2 above.

Thro' M.B.& File Br.

VA/13/2/47.

(15-3-47)

To *
P.A. to the H.M.P.W.D.

No application as such has been received.

26-2-47.

* with M.B. No S42/XXII.

5660/36/3483.

118

El. Br. (I).

P. W. D.

Resubmitted.

2. Please see the proceedings overleaf. The draft put-up may issue, if approved.

ABB
28-2-47.

CU
28 II 47.

P. S. Pkl 3/3/47
H.M.P.W.D.

MMM 3/3/47

Sr. ✓

D.C.(C?).
2-1-47

H.M.P.W.

Issue

CU
4 III 47

No.5660/36-El.(I). 119 Public Works Deptt.,
Bombay Castle, 5th March 1947.

To

K.B.Dundur, Esquire, M.L.A.,
Pleader, Adki Oni, Hubli.

Subject:-Electric supply at Hubli.

Dear Sir,

With reference to your letter without date, addressed to the Hon.Minister for Public Works on the above subject, I am to state that it is not known to what particular application of the Hubli Muny. you are referring to. I am, therefore, to request you please to communicate to Government the number and date of the application and the authority to which it is addressed.

2. I am, however, to add for your information that the Hubli Muny., in its letter No.S.E.S.H.D.I., dated the 15th August 1946 represented to Govt. in this Deptt. that electric energy from Gersappa Falls should be made available to Karnatak in general and Hubli in particular. The Muny. was replied to in G.L.No.S-92/38198-M, dated the 13th December 1946, a copy of which is enclosed for your information. A copy of Govt.Press Note No.P-1182, dated the 8th October 1946, re: the utilisation of Jog Power is also enclosed.

Yours faithfully,

D.A:-Copies of G.L.
and Press Note

VA/28/2/47.

ISSUED with D.A
On 6-3-47

A 121

Special Counsel.

Engagement of Mr. M.L. Maneckshaw to appear on behalf of Government.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 3174
Bombay Castle, 29th April, 1946.

Letter from Messrs. Little and Company, Solicitors to Government, Bombay No. N.V./3115 dated the 15th April 1946, stating that the appellants in the case noted in the margin are applying to Court for issue of a Notice of Motion praying for an order excluding from printing in the draft index of the appeal paper book certain Exhibits tendered in the lower Court and that as the Advocate General is unable to appear, they are obliged to engage Mr. M.L. Maneckshaw whose brief they have marked with 5 G.Mgs and requesting sanction to the engagement.

In the High Court of Judicature at Bombay	:
In Appeal from its Original Civil Jurisdiction.	:
Appeal No. 25 of 1945	:
(in Suit No. 610 of 1944)	:
The Hubli Electricity Co.Ltd..Appellant	:
Vs.	:
The Province of Bombay....Respondent.	:

RESOLUTION:- Sanction is accorded to the engagement of Mr. M.L. Maneckshaw to appear on behalf of Government at the hearing of the Notice of Motion in the case referred to on a fee of 5 G.Ms.

By order of the Governor of Bombay,

R. M. Mehta

R.M.Mehta.

Assistant Secretary to Government.

To
The Public Works Department,
The Finance Department,
The Accountant General, Bombay (through F.D.)
Messrs. Little & Co., Solicitors to Government, Bombay,
Mr. M.L. Maneckshaw (Through Little & Co. Solicitors to Government.)

29/IV/46

5260/36
16328

El. Br (CI).

P.W.D.

Endorse.

No 5260/36 El (CI). P.W.D.
BC., 6th May 1946.

Copy forwarded for information to the Sl. Engr. to Govt.

By order, J. Ellis Br/13

BR/ 11/5/46

11/5/46

I.G.D.
On... 6/5/46.....)

Orders

8(1)
3014

F. W. D.
Regd. No. ~~5446~~ 5660/36.
Serial No. 16328

Rec'd 5(1) 21-11-46

Special Counsel 123

Engagement of Sir Jamshedji B.Kanga and Mr. M.L. Maneckshaw.

Government of Bombay.
Legal Department.
Resolution No. 5928
Bombay Castle, 27th August 1946.

Letter from Messrs.Little & Co., Solicitors to Government, Bombay, No. N.V./6471 Dated the 29th July 1946 - stating that

In the High Court of Judicature at Bombay.
Ordinary Original Civil Jurisdiction.
Suit No.1385 of 1944.
The Hubli Electricity Co., Ltd. ...Plaintiffs;
vs.
The Province of Bombay -.....Defendant.

Appeal No.26 of 1945 in the suit noted ~~xxx~~ in the margin stands ~~xxxx~~ 11th on the "Warned List" of the Board of the Appeal Court and that as the Advocate General is unable to appear on behalf of Government, they propose to brief Sir Jamshedji B. Kanga and Mr. M.L.Maneckshaw to appear on behalf of Government at the hearing of the Appeal and to mark their briefs with a fee of 35 and 30 G.Ms. respectively and requesting sanction.

Resolution:- Sanction is accorded to the engagement of Sir Jamshedji B. Kanga and Mr. M. L. Maneckshaw to appear on behalf of Government at the hearing of the Appeal No. 26 of 1945 in the High Court, Bombay, on a fee of 35 G.Ms. and 30 G.Ms. respectively.

By order of the Government of Bombay.

R.M.MEHTA,
Assistant Secretary to Government.

To

The Public Works Department.

The Finance Department.

The Accountant General, Bombay (Through Finance Department).

Messrs. Little & Co., Solicitors to Government, of Bombay.

Sir Jamshedji B. Kanga | Through Messrs Little & Co.,
Mr. M.L. Maneckshaw | Solicitors to Government, of Bombay.

5660/36
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El. Br (I).

P.W.D.

Endorse.

No 5660/36 El (I) B.C. P.W.D. Sep. 1946
5H

Copy forwarded for information
to the Supt. &c. Engr.

By order of the Chief Engr.

28 VIII 46

28/8/46.

D.S.
6/9/46.

Bar.
Br

File
6/9.

El 28/8
28/8/46

P. W. D.
File No. 5660/36
Serial No. 34478
27-8-46

Special Counsel. 125

Engagement of Sir Jamshedji B. Kanga and Mr.M.L.Maneckshaw.

Government of Bombay.
Legal Department,
Resolution No. 6364
Bombay Castle, 18th September 1946.

Letter from Messrs. Little & Co., Solicitors to Government of Bombay, No.N.V./713 dated the 17th August 1946:- stating that they have been furnished by the Appellant's Attorneys printed Appeal Paper Book in the appeal No.25 of 1945 filed in the suit noted in the margin and requesting sanction to brief Sir.Jamshedji B. Kanga and Mr. M.L.Maneckshaw to appear on behalf of Government at the hearing of the appeal on a fee of 35 and 30 G.Ms. respectively.

In the High Court of Judicature at Bombay.
Ordinary Original Civil Jurisdiction.
Suit No.610 of 1944
The Hubli Electricity Company Ltd..Plaintiff
vs.
The Province of Bombay ..... Defendant.
Claim Rs.20,00,000/- (Twenty lakhs).

Resolution:- Sanction is accorded to the engagement of Sir Jamshedji B. Kanga and Mr. M.L.Maneckshaw to appear on behalf of Government at the hearing of Appeal No.25 of 1945 in the High Court, Bombay on a fee of 35 G.Ms. and 30 G.Ms. respectively.

By order of the Governor of Bombay.

R.M.Mehta,
Assistant Secretary to Government.

To

The Public Works Department,
The Finance Department,
The Accountant General, Bombay (Through Finance Department)
Messrs. Little & Co. Solicitors to Government, Bombay.
Sir Jamshedji B.Kanga, Through Messrs.Little & Co.
Mr. M.L.Maneckshaw. Solicitors to Government, Bombay.

5660/36
37469

El. Br (I).

P.W.D.

Endorse

19/9/46

No. 5660/36 El (I)

P.W.D.
B.C. 21 Sept 1946

Copy forwarded for information to the El. Engr to Govt.
By order of the S.E.B.

19/9/46

20/9/46

Issued 24/9

20/9

21/9

P. W. D.
File No 5660/36
Serial No. 37469

F.b/ to me

X 127

Special Counsel

Engagement of Sir Jamshedji B. Kanga and Mr. M.L.Maneckshaw

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 7913
Bombay Castle, 11th October 1946.

Letter from Messrs. Little and Company, Solicitors to Government. Bombay. No. NV/8253. dated the 20th September 1946.- Stating that in the case noted in the margin a conference was held with the Counsel Sir Jamshedji B. Kanga and Mr. M.L.Maneckshaw on the 6th September 1946 and requesting sanction to the conference fee of 2 G.Ms. to each Counsel.

In the High Court of Judicature at Bombay. Appeal No. 26 of 1945.
The Hubli Electricity Co., Ltd. Vs. The Province of Bombay.

RESOLUTION:- Sanction is accorded to the payment of a fee of 2 G.Ms. to Sir Jamshedji B. Kanga and Mr. M.L.Maneckshaw for the conference held on the 6th September 1946.

By order of the Governor of Bombay,

R.M. Mehta,

Assistant Secretary to Government.

To

The Public Works Department,

The Finance Department,

The Accountant General, Bombay (through the Finance Department)

Messrs. Little and Company, Solicitors to Government, Bombay.

Sir Jamshedji B. Kanga
Mr. M. L. Maneckshaw
} Through Messrs. Little and Company, Solicitors to Government, Bombay.

10 Rc. 15.10.

5660/36
42352

EL Br (I).

P.W.D.

Endorse

9/10/46

No 5660/36 El (I)

P.W.D.
B.C. 21st Oct 1946.

Copy forwarded for information
to the El. Engr to Govt

19/10/46

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PL. 5660/36

Serial No. 42352

17.11.46

Special Counsel.

Engagement of Sir Jamshedji B. Kanga and Mr. M.L.Manecksnaw.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 1783
Bombay Castle, 21st February 1947.

Read Government Resolution, Legal Department, No.6364, dated the 18th September 1946.

Letter from Messrs. Little and Company, Solicitors to Government, Bombay, No. NV/8198, dated the 20th September 1946.

In the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction. Suit No. 610 of 1944 The Hubli Electricity Co.,Ltd. - Plaintiff; Vs. The Province of Bombay - - - - Defendant. Claim Rs. 20,00,000(Twenty lakhs)	Stating that in course of the hearing of the appeal in the suit noted in the margin, Sir J. B. Kanga requested

them to move Government to increase his fees from 35 G.Ms. to 50 G.Ms. in view of the heavy work involved, and stating further that Mr. M.L.Maneksnah's fees will have to be relatively increased from 30 G.Ms. to 45 G.Ms. and requesting Government to sanction the above mentioned increase in the Counsel's fees.

RESOLUTION:- In modification of Government Resolution, Legal Department, No. 6364, dated the 18th September 1946, sanction is accorded to the payment of a fee of 50 G.Ms. and 45 G.Ms. to Sir J. B. Kanga and Mr. M.L.Maneckshah respectively, as a special case.

By order of the Governor of Bombay,

R. M. Mehta

R.M.Mehta,

Assistant Secretary to Government.

To

The Public Works Department,
The Finance Department,
The Accountant General, Bombay (through the Finance Department),
The Little and Company, Solicitors to Government, Bombay,
Sir Mr. J. B. Kanga) Through Messrs. Little and
Mr. M.L.Maneckshah) Company.

ASD 18/2

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Rl. Br (I).

P.W.D.

P 9

Endorse

25/2/47

No 5260/36 El (I).

P.W.D.

B. C. 26th Febr 1947.

Copy forwarded for information to the Rl. Engr to Govt in connection with Govt endt no 260/36 El (I) dt 21.2.47 by order etc

25/2/47

ISSUED

On. 27-2-47

D.S.

25/2/47

Secy to Govt

26/2

File in Br.

G(G) 22/2

P. W. D.

File No. 5260/36

Serial No. 8353

Rl. Br.

27-2-47

137

Special Counsel

Engagement of Sir Jamshedji B. Kanga and Mr. M.L. Manecksha[illegible].

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 2216
Bombay Castle, 6th March 1947.

Read Government Resolution, Legal Department, No. 6364. dated the 18th September 1946,

Letter from Messrs. Little and Co., Solicitors to Government, Bombay No. MV/8252 dated the 20th September 1946.

In the High Court of Judicature at Bombay.	Stating that Sir Jamshedji B. Kanga and Mr. M.L. Manecksha[illegible]
Ordinary Original Civil Jurisdiction.	
Suit No. 610 of 1944.	
The Hubli Electricity Company Ltd..Plaintiff.	
Vs.	
The Province of Bombay. .....Defendant.	
Claim Rs. 20,00,000/-(Twenty lakhs).	

have been engaged on behalf of Government in the appeal filed in the case noted in the margin held conferences on the 6th, 10th, 12th, 13th, 16th and the 17th September 1946, that fees at the rate of 2 G.Ms. per conference are payable to each counsel and requesting sanction to this payment.

RESOLUTION :- Sanction is accorded to the payment of conference fees at the rate of 2 G.Ms. per conference to both Sir Jamshedji B. Kanga and Mr. M.L. Manecksha[illegible] for the six conferences held by them .

2. The above fees are sanctioned as a special case.

By order of the Governor of Bombay

R. M. Mehta.
Assistant Secretary to Government.

To
The Public Works Department,
The Finance Department,
The Accountant General, Bombay (Through F.D.)
M/s. Little and Co., Solicitors to Government, Bombay.
Sir J.B. Kanga : Through M/s Little and
Mr. M.L. Manecksha[illegible]. : co., Solicitors to
: Government, Bombay.

ASD 4/3

BM.

5760/36
10873

El. Br (I).

P.W.D.

Endorse.

821
11/3/46

No 5760/36 El (I)

P.W.D.
B.C. 1/A 6th March 1947.

Copy forwarded for information to the El. Engr to Govt in continuation of Govt endst no 5760/36 El (I) dt the 26.2.47.

By order etc

821
11/3/47

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ISSUED
On 17/3/47
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17/3/47

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File
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El(I) 10/3

P. W. D.
File No. 5760/36
Serial No. 10873

133

Suits:
Bombay.
In the matter of the Hubli Electricity Company Ltd.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 5232 -
Bombay Castle, 16th July 1945.

Read Government Resolution, Legal Department, No.8137, dated the 20th November 1944.

Letter from Messrs. Little & Co., Solicitors to Government, No.M/NV 3859/45 dated the 13th April 1945 - Stating that the suit noted in the margin was called on for hearing on the 10th March 1945 when the following issues were framed :-

In the High Court of Judicature at Bombay.

Ordinary Original Civil Jurisdiction.
Suit No. 1385 of 1944.

The Hublim Electricity Co., Ltd. .... Plaintiffs;

Vs.

The Province of Bombay. .... Defendant.

(1) Was the order of the 3rd May 1944 made (a) in good faith (b) for the purposes therein stated or for some other, and what purpose.

2. To what, if any, relief are the plaintiffs entitled?

and that after hearing the Counsel on both sides the High Court dismissed the suit with costs, answering issues (1)(a) and (b) in the affirmative and with reference to issue (2) making a declaration to the effect that Government should account for all rents hitherto collected by Government from the tenants of the plaintiffs, and that from the date of the judgment the plaintiffs will have right to collect all future rents from their own tenants.

Letter from Messrs. Little & Co., Solicitors to Government, No.M/NV 4589/45 dated the 5th June 1945 - Forwarding a certified copy of the judgment.

Letter from Messrs. Little and Co., Solicitors to Government, No.L/NV 5359/45 dated the 27th June 1945 - Forwarding a copy of the memorandum of appeal No. 26 of 1945 filed by the plaintiffs in the suit in the High Court, Bombay, and requesting sanction to its defence.

RESOLUTION :- Sanction is accorded to the defence of the appeal No. 26 of 1945 in the High Court, Bombay.

By order of the Governor of Bombay,

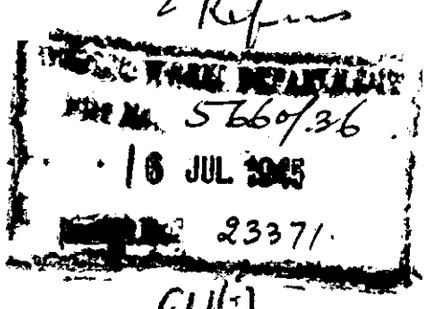
For (P.M.MOOS,
(Secretary to Government.

To
The Public Works Department,
Mr. S.G. Nadkarni, Electric Inspector, Bombay Province (through the Public Works Department
Messrs. Little & Co., Solicitors to Government, Bombay.

134

Renew 17/7.

2 Refs



135

Suits:
Bombay.
In the matter of the Hubli Electricit
Company Ltd.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 5229

Bombay Castle, 16th July 1945.

Read G.R.,L.D.No.4259 dated the 17th June 1944.

Letter from Messrs.Little & Co., Solicitors to Government, No.M/NV 3084 dated the 9th April 1945 - Stating that the suit noted in the margin was called on for hearing on the 22nd March 1945 when issues were framed, that the suit was first heard on preliminary issues which were decided in favour o Government, that the suit proceeded further and was heard on several other issues which were decided in favour of Government and that the suit was dismissed with costs.

In the High Court of Judicature at Bombay. Ordinary Original Civil Jurisdiction. Suit No.610 of 1944. The Hubli Electricity Co.,Ltd. Plaintiff; vs. The Province of Bombay.....Defendant. Claim-Rs.20,00,000/-(twenty lakhs).

Letter from Messrs.Little & Co., No.M/NV 4587/45 dated the 4th June 1945 - Forwarding certified copies of the two judgments of the High Court, Bombay.

Letter from Messrs.Little & Co., No.L/NV 5358/45 dated the 27th June 1945 - Forwarding a copy of the memorandum of appeal No.25 of 1945 filed by the plaintiff in the suit and requesting sanction to its defence.

RESOLUTION. - Sanction is accorded to the defence of the appeal No.25 of 1945 in the High Court, Bombay.

By order of the Governor of Bombay,

For { P. N. MOOS,
Secretary to Government.

To
The Public Works Department.
Mr.S.G.Nadkarni,Electric Inspector,Bombay Province(through Public Works Department).
Messrs.Little & Co., Solicitors to Government, Bombay.

60/36
23374.

136

El. Br (I)

P.W.D.

W.L. 1 of 3

Submitted (with S. No 23371)

for information

2. copies of this Resolution are being endorsed to the S.E. Nadiad, for information, especially.

+ on file No 5260/31 (23390 & 23391).

17/7/45

17.VII.45

20/7/45

A(R)

21/7/45

F.S.

Secy (P)

A(R).

20/7/45

(illegible)

El B I 17/7.

2 Refs

PUBLIC WORKS DEPARTMENT
No. 5660/36
6 JUL 1945
23374.

5760/36

23373 & 23390

El. Br (I).

P.W.D.

(Below G. R.s, L.D. Nos 5229 & 5232, dt the 16th July 1945)

No 5760/36 El (I)

P.W.D.

B.C., 18th July 1945.

Forwarded to Mr S. G. Naikarni, El. Inspr, Bijay Province.

By order of the Govt.B.

This the El. engrs to Govt.

17/7/45

17/7/45

7139 5660/36
32187

P 1.

Below G.I.R. F.D. No 8137 of the 20-11-44.

No 5660/36 El.

P.W.D.
B:C 21/Nov

Forwarded to mr S.G. Nadkarni, El Supdr
Bbay Province.

By order of the Govt.
Thro the El. Engr to Govt

821
21/11/44.

ISSUED
On 29/11/44

D S (Gen)

Gle
21.XI.44

21/11

2 C
29/11 Today

Suits:
Bombay.
In the matter of the
Hubli Electricity Company Ltd.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 1854
Bombay Castle, 28th November 1946.

Read Government Resolution, Legal Department, No. 5232, dated the 16th July 1945.

Letter from Messrs. Little and Co., Solicitors to Government, Bombay No. N.V/8257 dated the 20th September 1946 - Stating that Appeal No. 26 of 1945 filed by the Hubli Electricity Co. Ltd., in the suit noted in the margin, was heard by the High Court, Bombay, on 19th September 1946 when the Court was satisfied with the arguments of the Counsel for Government and was pleased to pass an unanimous judgement in favour of Government, dismissing the appeal with costs.

In the High Court of Judicature at Bombay.
Ordinary Original Civil Jurisdiction. Suit No. 1385 of 1944.
The Hubli Electricity Co., Ltd...Plaintiffs: vs.
The Province of Bombay. ... Defendant.

RESOLUTION:- The result of the appeal is recorded.

By order of the Governor of Bombay,

R. M. Mehta

R. M. Mehta,
Assistant Secretary to Government.

To

✓The Public Works Department.

5660/36
47011

14 P 2

El. By (I.D.)

P.W.D.

Submitted for information

2. A copy of this reason overleaf may be endorsed to the El. Engr to enable for information and after which of this and the L.D. may be requested u.o. to furnish this Deptt. two copies of the Hon'ble judgement in the matter

A

El (I) 13/12.

File L.D. Sheet 14/Cy

5660/36

51044

Dy 13/12

D.S.

L.D. has no spare copies of El (I) 13-12-46 the H.C's judgement in the matter But the file below may be spared with a request to the P.W.D to return it when no longer required.

El (I) 28 11

Dy 28/11

5660/36

48811

KBB. 10/12/46.

S.A.S. P.W.D. may see the judgment which is on file and letter our special if desired. File may be returned early.

10/12/46

L.O to P.W.D. No. 9005 dt. 13-12-46.

143 5660/36
48811

Below copy of G.R., L.D. no 856, & the

28-11-46.

[redacted] No 5660/36 E & (I).

P.W.D.

B.C., 2nd Nov 1946. Dec

[redacted] File No. 11054

Dt 6/12/46 Copy forwarded for inform to

the Rl engr to ent.

By order & the Govt

(30.12.46) 30/11/46

I

issue and refer u.o & L.D

2.XII 46

Issued 3/12

u.o. to Legal Debt 4-12-46

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L. D.
4. DEC 1946
A

SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No.
Diary No. 115-66
Branch A 1572-46

L. D.
18. DEC. 1946
A

Cl. Br (I).

P.W.D.

Submitted with reference to portion 'A' of the o.n. plo of the 2.12.46.

(18/12/46)

2. It see L.D. noting on p. ante. Copies of the Judgment have been taken. There may now be refd. back to the L.D. with a request to retain its file (no S. Bom 14/44).

+ Part of Judgment

17/12/46. ✓

Sd/-
18/12/46

+ with L.D. file no S Bom 14/44

U.O. to L.D. 18-12-46

~~13~~ 145 L. D.

The papers may be returned to the P. W. D. after retaining L.D's file.

17B3
19/12

S. D. S. RE Kumar

U. R. to. P.W.D. No. 9274 dt. 20-12-46.

5660/36
52195

~~4~~ 146

El. Br (I).

P.W.D.

Submitted with reference to
P12
the a.n. dak dtd 17.12.46.

Recd
23/12/46.

21
21/12/46.
23

E(I)
20/12

Dy. No. 5112
Dt.
E.
5660/36.

Dy. No. 52195
Dt. 20-12-46

Suits:
Bombay.
In the matter of the Hubli
Electricity Company Limited.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 3077
Bombay Castle, 28th March 1947.

Read Government Resolution, Legal Department, No. 5229, dated the 16th July 1945.

Letter from Messrs. Little and Company, Solicitors to Government, Bombay, No. NV/8648, dated the 1st October 1946,

In the High Court of Judicature at Bombay. Ordinary Original Civil Jurisdiction Suit No. 610 of 1944. The Hubli Electricity Co., Ltd. - - - - Plaintiff; Vs. The Province of Bombay - - Defendant Claim Rs. 20,00000/-(twenty lakhs).	stating that the appeal No. 25 of 1945 filed in the suit noted in the margin was decided by the High Court, Bombay, on the 1st October 1946. when by a majority decision it was dismissed with costs.

Letter from Messrs. Little and Company, Solicitors to Government, Bombay, No. NV/10849, dated the 2nd December 1946, forwarding a certified copy of the judgment.

RESOLUTION:- The result of the appeal is recorded.

By order of the Governor of Bombay,

R. M. Metha,

Assistant Secretary to Government.

To

The Public Works Department,

The Electrical Engineer to Government (through the Public Works Department)

4Ke.
2.3.

5660/36
14374

18 14

(Below C.R. L.D. No 3077 of date 28.3.47)

No 5660/36 EC.

P.W.D.

Mo. 15-16 Secn B.C., 2nd April 1947

Forwarded

~~Passed on~~ to the Hon'ble Minister

Sent

Done by order of Hon'ble Minister

1/4/47

2/4/47

ISSUED
On 3/4/47

3/4

~~Secretary~~
3/4

File No 1st
3/4

SAS

5660/36

14374

31 3/3

149

Rg. 3165 of 1946.

To,

The Secretary to the Government of
Bombay, Public Works, Department,
Bombay.

.....

Ballard Police Court,
Bombay 20th 22nd July 1946.

.....

Case No. 1956-S of 1946.
The Registrar of Companies.
vs.
R. I. Amte.

.....

H.S. Bukhari

Sir,

I am directed to request you to kindly depute an officer to attend this Court on 24th day of July 1946 at 3 p.m.s.t. to produce on behalf of the defence in the above matter the correspondence between your Department and the Bubli Electricity Company relating to the taking over of the Company's undertaking and books of account and other records in consequence of the order of the Govt. dated 2nd May 1944 and in particular the following letters:-

(1) Letter dated 27-4-1945 addressed to you by Amte and Co. Managing Agents for the Bubli Electricity Co. Ltd. to you.
(2) Copy of letter from the you dated 31-1-1946 to the Bubli Electricity Co. Ltd.
(3) Letter dated 20-3-1946 from Amte & Co. Managing Agents to Bubli Electricity Co. Ltd. to you.
(4) Letter dated 5-8-1944 addressed by Amte and Co. ~~to Mr.~~ K.J.Raghavan Dy. Engineer P.W.D. in charge Bubli Electricity Supply and the copies of the reply dated 8-8-1944 and 11-8-1944 sent by him.

I.S.
Pay if deposited.
Eng
24/7/46.

(P.T.O.)

15

Your obedient servant,

Judicial Clerk,
For: Chief Presidency Magistrate,
Bombay.

CHIEF PRESIDENCY MAGISTRATE'S COURT BOMBAY

19/9/46
Emerg
28/8/46

Pay if deposited
Emerg
28/8/46

Deal with this immediately.
23/VIII/46

H.S. Bukhari
19/9/46

El. Br. I.

Pay if deposited
Emerg
4/10/46.

Adj. to 16/10/46 2/pm.

Pay if deposited
Emerg
17-3-47

Pay, if deposited
16/4/47

El. Br. I
23/7

P. W. D.
File No. 5660/36
Serial No. 28353

151

5660/36/28 3.53

El. Br. Cls.

P. W. D.

Submitted for informn.

x Mr. Bukhari.

2. An Assistant x from this Deptt. had been to the Court as reqd. at 3 P.M. on 24-7-46 to produce the relevant Govt. papers. The Court proceedings in this con. have, however, been postponed to the 28-8-46, when the same papers are again req'd. to be produced. Necy. action will be taken on the due date.

ASS.
27-7-46

25

27/VII/46

29/7/46

5260/36
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El. Br

P. W. D

Please see the O. N. d.

-the 22-10-46 and the El. Engrs. report in the matter on pp. 22-23 of the linked case ~~No. I~~ (F.D. file No. 4519/33/32564/16795). Since the necy. arrangements were made by the El. Engr's. office and -the requisite pp's. were produced on behalf of the defence on -the 16-4-47, no further action is now necy on these pp's. which may be recorded.

× ~~under-sub~~ Engrs. Note Book-II/244 dated 10-4-47

ABS
23-4-47

SMD
23/4/47

S. A.S.

Special Counsel.

Engagement of Sir Jamshedji B. Kanga

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 49/6
Bombay Castle, 14th May 1947

Letter from Messrs. Little and Company, Solicitors to Government, Bombay, No. N/V/ 4370, dated the 19th April 1947-

In the High Court of Judicature at Bombay Appeal No. 25 of 1945, (Under appeal to the Privy Council) The Hubli Electricity Co.Ltd. Vs. The Province of Bombay.	Stating that they have briefed Sir Jamshedji Kanga to appear at the hearing of motion of the notice filed by the appellants

in the case noted in the margin, and requesting sanction to his engagement on the terms stated in their letter.

RESOLUTION:- Sanction is accorded to the engagement of Sir Jemshedji Kanga to appear at the hearing of the notice of motion in the case referred to on a fee of 5 G.Ms.

By order of the Governor of Bombay,

R. M. Mehta

R. M. Mehta,
Assistant Secretary to Government.

To

The Public Works Department,

The Finance Department,

The Accountant General, Bombay (through the Finance Department.)

Messrs. Little and Company, Solicitors to Government, Bombay,

Sir Jemshedji B. Kanga (through Messrs Little & Co.)

Ac. 12.6.

21149

154

(Below copy of G.R., S.D., overleaf.)

No 5260/36 El.

P.W.D
B.C. 4 May 1947.

Copy forwarded for information & necessary action.

By order of the Secretary.

17/5/47

Issued. 17/5/47.

D.S.

17/5/47

17/5

P. W. D.
File No 5660/36.
Serial No. 21149

Dnd 15/5 El 1615

155

Rules and By-laws.
Hubli Municipality.
Octroi Rules and by-laws.

GOVERNMENT OF BOMBAY.

GENERAL DEPARTMENT.

Resolution No. S. 91 (103).

Bombay Castle, 19th October 1942.

Letter from the Administrator, Hubli Borough Municipality, No. TT.X.S.R. 3, dated the 29th March 1942.

Endorsement from the Collector of Dharwar, No. Mun. 1958, dated the 4th May 1942.

Endorsement from the Commissioner, Southern Division, No. M.B.L. III. 131, dated the 3rd June 1942.

RESOLUTION.—The proposal made by the Administrator, Hubli Borough Municipality, for the substitution of octroi for the existing terminal tax by the Municipality is approved. The accompanying octroi rules and by-laws of the Municipality are sanctioned.

By order of the Governor of Bombay,

R. S. MANI,
Deputy Secretary to Government.

To

The Commissioner, Southern Division,
The Collector of Dharwar,
The Revenue Department,
The Director, Local Self-Government Institute, Bombay (by letter).

No. of 1942.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, General Department, No. S. 91 (103), dated the 19th October 1942.

OCTROI RULES AND BY-LAWS OF THE HUBLI MUNICIPAL BOROUGH.

[Sections 58 (*J*) and 61 (*N*) of the Bombay Municipal Boroughs Act, 1925.]

Short title.—These Rules and By-laws may be cited as the Hubli Municipal Borough Octroi Rules and By-laws.

Definitions.—In these Rules and By-laws, unless there is something repugnant in the subject or context :—

(*a*) " Import "—A person is said to " Import " a thing if he introduces or receives that thing into the Octroi limits of the Hubli Municipal Borough from any other area.

(*b*) " Export "—A person is said to " Export " a thing if he conveys that thing out of the Octroi limits of the Hubli Municipal Borough to any other area.

(*c*) " Octroi Naka " means a municipal naka or station, fixed by the Hubli Borough Municipality, at which goods or animals are being imported or exported.

(*d*) " Octroi Karkun " means a Karkun of the Hubli Borough Municipality at any of the Nakas on duty connected with import and export.

(*e*) " Prescribed " means required or authorised by any Rule or By-law of the municipality for the time being in force.

(*f*) " Import bill " means a bill in the prescribed form signed and tendered by the Octroi Karkun on import, in accordance with section 95 of the Bombay Municipal Boroughs Act, 1925.

(*g*) " Export Pass " means a certificate in the prescribed form signed and furnished in the prescribed manner by the Chief Officer or by the person authorised by him in this behalf.

(*h*) " Public authority " means Government, a Local Board, a Municipality, a Cantonment Committee, a Notified Area Committee or a Village Panchayat Committee.

(*i*) " Octroi Inspector " means an officer of the Hubli Borough Municipality in the Octroi Department, appointed as such.

Rules.

Levy of Octroi.—Subject to the exemptions hereinafter expressly specified, an octroi on all animals and goods of the descriptions mentioned in the Schedule " (A) " hereto annexed shall, on the import thereof, be leviable at the rates specified in the said Schedule.

Explanations.—(*a*) The weights mentioned in Schedule " (A) " are the standard weights as defined in the Bombay Weights and Measures Act of 1932.

(*b*) 2 lbs. make 1 seer.

(*c*) 40 seers make 1 maund.

2. *Exemptions.*—The following goods and animals shall be exempt from the levy of octroi :—

(*a*) Personal apparel or baggage, not imported for sale or hire.

(*b*) Goods and animals belonging to a public authority and not intended for sale or hire when accompanied at the time of import with a certificate to that effect signed by the Officer under whose authority they are imported.

3. *Power of Octroi Karkuns to inspect and search, etc.*—Every Octroi Karkun shall be deemed to be an Officer authorised by the Chief Officer to inspect or search goods and to take such other actions as are provided for in section 94 of the Bombay Municipal Boroughs Act, 1925.

4. *Ad valorem value.*—The value of the goods, where the duty is leviable *ad valorem*, shall be the value made up of the cost price of the goods *plus* the carriage and other incidental charges such as shipping, insurance, customs, Railway freight, etc., levied on them till their arrival at the Octroi Naka.

5. *Declaration as to value.*—Every importer of goods liable to duty *ad valorem* shall exhibit to the Octroi Karkun any invoice, bill, patti, or document of like nature which he may possess relating to the cost price of such goods and give him a declaration in writing in the form of Schedule B hereto annexed and sign the same.

6. *Valuation in the absence of invoice or declaration.*—If the importer fails to exhibit the invoice, patti or the like document or if he fails to make the declaration as required by Rule No. 5 or if the Octroi Karkun has reason to disagree with the value declared, he shall levy the duty according to his own estimate on the basis of the prevailing market value of such goods at Hubli.

7. *Rounding of pies.*—In calculating Octroi duty, the fraction of a pie shall be taken as one pie.

Mode of Levy.

8. *Presentation of Import Bill.*—On the import of goods or animals on which Octroi is leviable, the Octroi Karkun shall present to the importer an import bill in the form of Schedule C in case of goods or animals in respect of which a due declaration has been made as prescribed by By-law No. 4, and in the form of Schedule E in case of goods or animals not so declared, and demand the amount entered in the bill.

9. *Separate Import Bills.*—The Octroi Karkun shall prepare as many separate import bills as the importer desires for portions of goods forming distinct units or for distinct number of animals.

10. *Payment of Octroi.*—On the presentation of the bill and the demand, the importer shall, except in case where an account current is kept under section 99 of the Bombay Municipal Boroughs Act, 1925, pay to the Octroi Karkun the amount of the bill and on such payment be entitled to have the said import bill receipted under the signature of the Octroi Karkun.

11. *Procedure in case of goods or animals belonging to a public authority.*—(1) Goods or animals belonging to a public authority shall be liable to pay the prescribed Octroi if such goods or animals are not accompanied by a certificate as required by Rule No. 2 (*b*).

(2) When goods or animals are accompanied by such a certificate, the Octroi Karkun shall retain the certificate and issue a pass of exemption from duty in the form of Schedule F hereto annexed.

(3) The person-in-charge of such goods or animals shall hold the pass as long as he is in the custody of the goods or animals within the Octroi limits, and shall on demand show it to any Officer connected with the Octroi Department.

12. *Octroi Inspector.*—Subject to any rules and orders that may be in force from time to time, every Octroi Inspector shall be deemed to have the authority—

(*a*) to demand and recover Octroi at any place within the Octroi limits in respect of goods or animals imported by evasion of duty, and

(*b*) to inspect and search goods and take such other actions as are provided in section 94 of the Bombay Municipal Boroughs Act, 1925.

Explanation.—Recovery of Octroi by an Octroi Inspector from a person who has evaded duty shall not absolve the latter from criminal prosecution under section 96 of the Bombay Municipal Boroughs Act, 1925.

13. *Disputes.*—Any dispute between the importer and the Octroi Karkun or the Octroi Inspector, regarding the liability to duty or the rates at which it is to be levied or the value of goods or any other matter, shall be decided by the Chief Officer, and his decision shall be final.

14. *System of refund.*—The system on which refunds will be allowed and paid shall be the same as is described in the Octroi By-laws Nos. 4 to 9.

By-Laws.

1. *Octroi limits.*—The Octroi limits of the Hubli Borough Municipality shall be as under :—

North.—Survey Nos. 48 (including the Nalla to the West), 49, 51, 71 and 72 of Mariyan Timmasagar, Survey Nos. 73, 72, 70, 69, 67, 65, 64 (A+B), 63-B and 57 of Nagashettikop so far as they lie along and touching the boundary of the M. & S. M. Railway line as now existing and Survey Nos. 56 and 52 of the same village ; and Survey Nos. 92, 91, 85, 13, 14, 82, 81 and 80 of Keshavpur. All the above numbers being included.

South.—Survey No. 1, the village site and Survey No. 60 of Bidnal, Survey Nos. 1 and 2 of Narayanpur and Survey Nos. 21-A (old Survey No. 21), 28, 31, 32, 41, 42, 53, 67, 68 and 69 of Ayodhya. All the above numbers and the village site being included.

East.—Survey Nos. 39, 40, 41, 43, 44, 49, 48, 47, 105 and 106 of Midnayakan Arlikatti. A part of village site of Bammapur belonging to the Municipality (old Survey No. 4), Survey Nos. 190-A, 190-B, 190-C (old Survey No. 190), 193 and 194 of Bammapur, Survey Nos. 11, 12 and 13 of Yellapur and Survey No. 2 of Bidnal. All the above numbers and the village site being included.

West.—Survey Nos. 70, 71 of Ayodhya, Survey Nos. 2, 3, 8-A/1/b, 8-A/1/a (old Survey No. 8), 9, 38, 36, 37, 42, 51, 45, 46 and 130 of Krishnapur, Survey Nos. 9 and 12 of Mariyan Timmasagar, Survey Nos. 20, 19-A, 25, 26, 27, 33, 34, 39, 40 and 50 of the same village and the Nalla passing by the West of these Survey numbers. All the above numbers and the Nalla being included.

2. *Octroi stations.*—The names and places of the Octroi Nakas of the Hubli Municipal Borough shall be as under :—

(1)	Station Naka	.. Near the Railway Station.
(2)	Goods-shed Naka	.. On the Goods-shed road.
(3)	Bhandiwad Road Naka	.. Near the Kalburgi Math.
(4)	Ghantikeri Naka	.. Near the Criminal Tribes Settlement, Hubli.
(5)	Virapur Naka	.. Near Karki-Basawanna Dev temple.

(6)	Tirmalkop road Naka	.. Near the crossing of the Tirmalkop road and the Karki Nala.
(7)	Bidnal Naka	.. Near Bidnal.
(8)	Mavnur road naka	.. Near Janglipet.
(9)	Banatikatta Naka	.. At the entrance of the Timsagar Hubli Road.
(10)	Kalghatgi road Naka	.. Near Panjarpole.
(11)	Karwar road Naka	.. Near Sidharudh Math.
(12)	Heggeri Naka	.. Near Heggeri Tank.
(13)	Bharat Mill Naka	.. Near Bharat Mills.
(14)	Dharwar road Naka	.. Near Hosur.
(15)	Mission compound Naka	.. Near the Mission Compound.
(16)	Deshpande Nagar Naka	.. At Deshpande Nagar.
(17)	Keshwapur Naka	.. On the road to Keshwapur.
(18)	Gadag road Naka	.. Near the Railway Hospital

and such other Nakas as may be established by the Municipality from time to time.

3. *Exhibition of Octroi table.*—The Chief Officer of the Municipality shall cause a copy in Kannada of the Octroi tables to be exhibited in the Municipal Office and at each of the Octroi Nakas in a conspicuous place.

SYSTEM OF REFUND.

4. *Declaration of export.*—Every person importing goods or animals liable to a duty exceeding eight annas and which are intented to be exported after their import, and not intended for sale, barter, hire, manufacture, business or any other use or any purpose of profit within the Octroi limits shall, at the time of import, make a declaration to the Octroi Karkun in writing to that effect in the form of Schedule G hereto annexed and sign the same.

5. *Custody and intimation when not exported within 24 hours.*—(*i*) Every importer of goods or animals regarding which a due declaration has been given as prescribed by by-law No. 4, shall if such goods or animals are not exported within 24 hours of their import, give intimation in the form of Schedule H hereto annexed to the Chief Officer or to the person authorised by him in this behalf, regarding the place of custody thereof, on the immediate next office day, during office hours, after the day on which the 24th hour expires.

(*ii*) The goods or animals regarding which such intimation has been given shall not be shifted to any other place without the permission of the Chief Officer, or of the person authorised by him.

(*iii*) The Chief Officer or the person authorised shall be entitled at all times, till the expiry of the period allowed for refund, to inspect such goods or animals for the purpose of satisfying that the conditions of refund are not violated and to put such seal or mark as he thinks fit on the goods or to the godown where they are stored.

6. *Refund.*—Octroi, levied on goods and animals at the time of their import, shall, on their export, be refundable subject to the conditions and the provisions hereinafter described.

7. *Refund when inadmissible.*—No refund shall be allowed in respect of goods or animals :—

(*a*) Regarding which the amount of Octroi levied does not exceed annas eight.

(*b*) Regarding which a declaration of the intention to export has not been made at the time of import as prescribed by By-law No. 4.

(*c*) Which since their import have changed their form by any process of manufacture or in respect of which any business has been transacted by way of sale, barter or hire or in any other way.

(*d*) Which are not exported within 6 months next after their import.

(*e*) Which are exported within 6 months of their import but regarding which a due intimation has not been given to the Chief Officer or to the person authorised by him, as prescribed in By-law No. 5, within the time prescribed in the said By-law.

(*f*) Which are exported after 48 hours from the time of issue of export pass in respect thereof by the Chief Officer, under By-law No. 9 (*b*).

(*g*) Regarding which no application for refund is made within 5 days next after the date of their export as prescribed in By-law No. 9 (*f*).

159

8. *Procedure of refund on export within 24 hours.*—Refunds, in case of goods or animals on which Octroi has been levied and which are exported within 24 hours next after their import without breaking bulk, shall be made by the Octroi Karkun at whose Naka they are exported subject to the following procedure :—

(*i*) He shall—

(*a*) require the production of the receipted import bill issued at the time of import relating to the said goods or animals,

(*b*) examine such receipted import bill,

(*c*) satisfy himself that it is in due form, that the goods are the same as specified in the bill, that the bulk is not broken, that the conditions mentioned in the clause (*c*) of the By-law No. 7 are not broken and that the goods or animals have actually passed his Naka.

(*ii*) On being thus satisfied the Octroi Karkun shall sign a declaration in the form of Schedule D hereto annexed below the import bill and then refund the amount on taking the signature of the exporter on the said bill in acknowledgment of the refund and retain it with himself.

Note.—The Octroi Karkun shall not be under any circumstances authorised to make refunds in case of goods or animals exported after 24 hours from the time of their import.

9. *Procedure of Refund on export after 24 hours and within 6 months.*—Refunds, in case of goods or animals on which Octroi has been levied and which are not exported within 24 hours from the time of their import shall be admissible if they are exported within 6 months next after their import, subject to the following provisions and conditions :—

(*a*) The person claiming refund of Octroi on account of such goods shall, before their export, take them to the Municipal Office during office hours on any working day for the inspection of the Chief Officer or any person authorised by him in this behalf who shall—

require the claimant to produce the duly receipted import bill issued at the time of import relating to the said goods, or animals and examine such receipted bill and satisfy himself that it is in due form that the goods or animals brought for inspection are the same as specified in the bill or part thereof,

that the amount to be refunded exceeds annas eight and that the conditions mentioned in clause (*c*) of the By-law No. 7 are not broken.

(*b*) On his being so satisfied such officer or person shall issue an export pass in the form of schedule I hereto annexed in respect of all or any of the goods or animals mentioned in the import bill as the exporter may desire.

(*c*) If the export pass is in respect of all the goods and animals contained in the import bill the officer issuing the export pass shall retain the import bill.

(*d*) Where export passes are issued on more than one occasion in respect of goods or animals included in one import bill, the officer issuing the export pass shall on each occasion endorse on the import bill the number and date of the export pass before returning the same to the importer.

(*e*) Whenever goods or animals are brought to a Naka for export within 48 hours from the time of issue of the EXPORT PASS issued under By-law No. 9 (*b*) relating thereto, the Octroi Karkun shall—

require the exporter to produce the export pass, in respect of such goods or animals,

satisfy himself that they are identical in all respects with those mentioned in the export pass, and when so satisfied allow the goods or animals to pass beyond his Naka and then deliver the export pass to the exporter with a declaration thereon in the form of Schedule J printed below the export pass.

(*f*) Every holder of such a duly endorsed export pass shall within 5 days next after the date of export of such goods or animals, present the export pass to the Chief Officer or to the person authorised by him in this behalf together with an application in writing for the refund.

(*g*) The Chief Officer or the person so authorised shall, if there is no reason to doubt the claim, refund the amount mentioned in the export pass to the applicant on taking acknowledgement in writing from the applicant on the export pass as evidence of payment.

10. *Surrender of the import bill and export pass.*—Every person holding a receipted import bill or an export pass shall when required by any officer of the Municipality connected with the Octroi department, produce for his inspection and surrender the same if so required on his being supplied with a copy of the same under such Officer's signature.

11. *Dispute.*—Any dispute between an importer or an exporter and the Octroi Karkun in the matter of import or export shall be decided by the Chief Officer, and his decision shall be final.

12. Any person driving an animal or a conveyance including a motor car or lorry, when required by an Octroi Karkun at the Octroi Naka to stop the same, shall at once stop such animal or conveyance and allow the Octroi Karkun to inspect it for ascertaining whether it contains any goods liable to Octroi.

13. *Appeals.*—An appeal shall lie to the Standing Committee from an order of the Chief Officer or of the person acting under his authority either refusing the export pass or rejecting a claim for refund where the amount of duty involved is more than Rs. 10 provided that such an appeal is made in writing within 15 days from the date of such refusal or rejection. The decision of the Standing Committee shall be final.

14. *Penalties.*—Whoever does or omits to do an act in contravention of any provisions of these by-laws, shall be punished with a fine which may extend to Rs. 100.

THE HUBLI MUNICIPAL BOROUGH, HUBLI.

Schedule "A" of Octroi.

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS I.	Rs. a. p.	
	Grains, groceries, vegetables and fruits and food for animals.		
1	Jowari or its flour	0 0 6	
2	Bajari or its flour	0 0 6	
3	Tur and channangi	0 0 6	
4	Mug	0 0 6	
5	Udid	0 0 6	
6	Navani and Navani rice	0 0 6	
7	Paddy	0 0 6	
8	Rice or its flour	0 0 6	
9	Gram	0 0 6	
10	Mädki	0 0 6	
11	Kulith	0 0 6	
12	Ragi or its flour	0 0 6	
13	Wheat	0 0 9	
14	Wheat flour or Rava	0 1 0	
15	Avalakki and Churmari	0 0 6	
16	Maize in years	0 0 6	
17	Maize and maize flour	0 0 6	
18	Wari, Bergi or Savi-rice	0 0 6	
19	Avari, Alsandi and Watani	0 0 6	
20	Rajgiri	0 0 6	
21	Pulses of gram, tur, udid and kulith or their flour	0 0 6	
22	Pulses of all other sorts or their flour	0 0 6	
23	Miscellaneous food grains other than those mentioned above ..	0 0 7½	
23(*a*)	Cotton with seeds	0 0 3	
23(*b*)	Cotton without seeds	0 0 6	
24	Cocoanuts	0 1 6	

161

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS I—*contd.*		
	Grains, groceries, vegetables and fruits and food for animals—contd.	Rs. a. p.	
25	Dates (fresh) Khajjur	0 2 0	
25(*a*)	Dates (dry)	0 2 6	
26	Sago	0 3 0	
27	Dried fruits	0 3 0	
28	Preserved or canned fruits	0 3 0	
29	Arrowroots	0 3 0	
30	Kaju, piste	0 3 0	
31	Almonds with shells	0 3 0	
32	Almond seeds	0 4 0	
33	Jaggery, unrefined sugar and molasses	0 1 3	
34	Refined country sugar white	0 4 0	
35	Refined country sugar brown	0 2 6	
36	Jonson sugar	0 4 0	
37	Sugar candy white and brown	0 5 0	
38	Sweet meats	0 4 0	
39	Gulkand	0 5 0	
40	Khava or dried milk	0 5 0	
41	Peppermint and oilman stores	....	3 pies per rupee worth.
42	Biscuits and cakes	....	3 pies per rupee worth.
43	Ghee	....	3 pies per pound or fraction thereof.
44	Honey	....	3 pies per pound or fraction thereof.
45	Tallow of all sorts	0 12 0	
46	Butter	....	3 pies per pound or fraction thereof.
47	Puthani and Hurkadli	0 2 0	
48	Tinned or bottle food including meats of all kinds	....	3 pies per rupee worth.
49	Shavagi	....	0-1-3 per ¼th maund or fraction thereof.
49(*a*)	Kerbija	0 3 0	
49(*b*)	Dry grapes and Angur	0 3 0	
49(*c*)	Jardalu	0 3 0	
50	Other kinds of grocery not specified above	0 5 0	
	Vegetables and Fruits of all kinds.		
51	Fruits of all kinds	0 0 6	
52	Sugarcane	0 0 9	
53	Tamarind	0 0 9	
53(*a*)	Amsola	0 0 9	
54	Potatoes	0 0 6	
55	Sweet potatoes	0 0 6	
56	Vegetables of all kinds	0 0 6	
57	Dry fish	0 2 0	

162

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS I—*concld.*		
	Vegetables and fruits of all kinds—contd.	Rs. a. p.	
58	Fresh fish	0 1 0	
59	Eggs	....	3 pies per dozen.
60	Betel nuts	0 3 0	
61	Betel leaves	0 0 9	
62	Kachu	0 3 0	
	Food for Animals.		
63	Green fodder and grass	....	2 annas per cart.
64	Dry fodder, straw and grass	....	2 annas per cart.
65	Khonda, Chaff, Husk Bhusa, Chatta and Chinni	....	2 annas per cart.
66	Oil cakes of all sorts	0 0 6	
67	Cotton seeds	0 0 6	
	CLASS II.		
	Animals.		
68	Fowls and birds of all sorts	....	3 pies per head.
69	Sheep and goat	....	6 pies per head.
70	Cattle of all sorts (except ass or donkey)	....	1 anna per head.
71	Ass or Donkey	....	0–0–6 per head.
	CLASS III.		
	Fuel, Washing Materials, oils and oil seeds.		
72	Dung cakes	....	0–1–6 per cart.
73	Charcoal	0 0 6	
74	Coal and coke	0 0 3	
75	Cotton, Pundi, Togri, Yallu and castor sticks	....	1 anna per cart.
76	All other kinds of fire wood	....	1 anna 6 pies per cart.
	Oils.		
77	Kusabi oil	0 3 0	
78	Cocoanut oil	0 3 0	
79	Til oil	0 3 0	
80	Agasi oil	0 3 0	
81	Ground nut oil	0 3 0	
82	Castor oil	0 3 0	
83	Godambi oil	0 4 0	
84	Hulgal oil	0 3 0	
85	Terpantine	....	2 annas per gallon or fraction thereof.
86	Neem oil	0 3 0	
87	Kerosine	0 2 0	
88	Petrol and spirit	0 3 0	
89	Lubricating, crude oil and ginning oil	0 2 0	
90	Oils of all other sorts other than those mentioned above	0 3 0	

163

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS III—*contd.*	Rs. a. p.	
	Oils—contd.		
91	Oil seeds of all kinds	0 0 9	
92	Candles	0 4 0	
93	Match box	0 2 0	
94	Petromax, gas and other lights	....	1 pie per rupee worth.
	Washing.		
95	Shigikai	0 2 0	
96	Ritha or Anatalakai	0 2 0	
97	Washing soda	0 2 6	
98	*Washing Soaps*—		
	1. Sun-light	0 5 0	
	2. Life Buoy		
	3. Gossages		
99	All other sorts of washing Soaps	0 2 6	
100	*Toilet Soaps*—		
	1. Pears' Glycerine	1 0 0	
	2. Palmolive		
	3. Lux		
	4. Erasmic		
	5. White rose (Vinolia)		
	6. Colgates		
	7. Lavender		
101	Toilet soaps of all other sorts	0 8 0	
	CLASS IV.		
	Building Materials.		
102	Stone	....	2 annas per cart.
103	Lime stone	....	2 annas per cart.
104	Sand	....	1 anna per cart.
105	Marble stone	....	3 pies per rupee worth.
106	Badami or Sahabadi stones	....	0–4–0 per cart.
107	Chunam	....	0–2–0 per cart.
108	Chalk and chalk powder	....	0–2–0 per cart.
109	Earth	....	Exempted.
110	Country tiles	....	2 annas per cart.
111	Mangalore tiles	....	0–6–0 per cart.
112	Burnt bricks	....	3 annas per cart.
113	Sun burnt bricks	....	0–2–0 per cart.
114	Teak rafters or planks	....	1–8–0 per cart.
115	Jungle wood rafters or planks	....	0–12–0 per cart.
116	Wooden furniture	0 2 0	
117	Bamboos of all sorts or mattings	....	4 annas per cart.

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS IV—*contd.*		
	Building Materials—contd.	Rs. a. p.	
118	Canes and cane articles	0 2 0	
119	Sandal-wood, Black wood or articles made of them	0 8 0	
120	Betel and palm poles	....	0-4-0 per cart.
121	All other woods and wooden materials not mentioned above ..	0 0 6	
122	Dammer (Tar)	0 4 0	
123	Cement asphalt and cement articles	0 2 0	
123(*a*)	Asbestos Sheets and tiles	....	3 pies per rupee worth.
123(*b*)	Glazed flooring tiles	....	
123(*c*)	Rubberoid roofing and materials	....	
	Colours and Paints.		
124	Varnish	1 0 0	
125	Paints of all sorts	1 0 0	
126 127	Dyes	0 4 0	
128	Hurmanj	0 2 0	
128(*a*)	Divi-divi Kai	0 0 3	
	CLASS V.		
	Chemicals, Drugs, Spices, Perfumes, etc.		
129	Ginger (Green)	0 4 0	
130	Ginger (dry)	0 4 0	
131	Hirda (Murabollum) Balharda	0 2 0	
132	Saindh Lavana and all other sorts of salts except eating salt ..	0 4 0	
133	Waiwadanga	0 3 0	
134	Patras	0 3 0	
135	Tarikai	0 3 0	
136	Keru	0 0 6	
137	Kolanjan	0 3 0	
138	Tigadi	0 3 0	
139	Mapalakai	0 3 0	
140	Safed Misri, Salamisri, Talimkhana and Bijband	0 3 0	
141	Jekingaddi	0 3 0	
142	Ajivan	0 3 0	
143	Happalkar	0 3 0	
144	Isabgol	0 3 0	
145	Alvi	0 3 0	
146	Badesop	0 3 0	
146(*a*)	Balad Beru	0 3 0	
146(*b*)	Tulsi Beeja	0 3 0	
147	Miscellaneous country drugs of all other sorts	....	3 pies per rupee worth.
148	Tea	0 8 0	
149	Coffee, coffee powder and cocoa	0 8 0	

165

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS V—*contd.*	Rs. a. p.	
	Medicines.		
150	Medicines of all sorts except country drugs	....	3 pies per rupee worth.
151	Nilgiri Oil	....	3 pies per rupee worth.
152	Dalchini oil, clove oil and cardamum oil	....	2 pies per pound or fraction thereof.
	Chemicals.		
153	Alum	0 4 0	
154	Sulphur	0 4 0	
155	Sulphate of all kinds	0 4 0	
156	Ammonium sulphate	0 4 0	
157	Saltpeter	0 4 0	
158	Navasagar	....	3 pies per pound or fraction thereof.
159	Nitric acid	1 0 0	
160	Sulphuric acid	0 12 0	
161	Acids of all other sorts	0 12 0	
161(*a*)	Surti-Baligar	0 4 0	
161(*b*)	Yanni Baligar	0 4 0	
161(*c*)	Hire Kasa (Iron sulphate)	0 4 0	
162	Chemicals of all other sorts not mentioned above	0 12 0	
	Spices.		
163	Dalchinni	0 3 0	
164	Jajikai	0 4 0	
165	Mace	....	6 pies per pound or fraction thereof.
166	Poppy seeds	0 3 0	
167	Cloves	....	3 pies per pound or fraction thereof.
168	Cardamum	....	3 pies per pound or fraction thereof.
169	Chillies	....	1 anna per ½ a maund or fraction thereof.
170	Garlic	0 3 0	
171	Termeric	0 4 0	
172	Asafotida	....	3 pies per rupee worth.
173	Khobra	0 3 0	
174	Onions	0 0 6	
174(*a*)	Mustard Seeds	0 3 0	
174(*b*)	Jira and Hul-jira	0 3 0	
174(*c*)	Dund Maggi	0 3 0	
174(*d*)	Chakra Maggi	0 3 0	
174(*e*)	Mente	0 3 0	
174(*f*)	Pepper	0 3 0	
174(*g*)	Havija	0 3 0	
175	Spices of all other sorts not mentioned above	0 3 0	

186

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS V—*concld.*	Rs. a. p.	
	Gums.		
176	Gums of all sorts	0 4 0	
177	Lac, Pitch, loban and Dupa of all sorts	0 3 0	
178	Ryala	0 3 0	
179	Camphor	....	6 pies per pound or fraction thereof.
180	Wax	....	3 pies per pound or fraction thereof.
180(*a*)	Pachha Karpur	....	6 pies per pound or fraction thereof.
180(*b*)	Meena Saria	....	3 pies per pound or fraction thereof.
180(*c*)	Sole mena	....	3 pies per pound or fraction thereof.
	Perfumes.		
181	Sandal and all other perfumed oils	....	3 pies per rupee worth.
182	Scents		
183	Kumkum, Gulal and Bukkittu	0 3 0	
184	Udbatti	....	3 pies per lb. or fraction thereof.
185	Rose water and all other perfumed waters	....	3 pies per pound or fraction thereof.
186	Saffron and Goranjan	....	3 pies per rupee worth.
187	Kasturi	....	3 pies per rupee worth.
	CLASS VI.		
188	Tobacco	1 14 0	
189	Churoots, Cigars and Cigarettes	....	5 pies per pound or fraction thereof.
190	Beedies	....	4½ pies per pound or fraction thereof.
191	Snuff and Jarda	....	4½ pies per pound or fraction thereof.
192	Leaves for bidis	0 0 3	
	CLASS VII.		
	Articles of Clothing.		
193	Fabrics—Woollen, silk and cotton except hand spun and hand woven.	....	1½ pies per rupee worth.
194(*a*)	Hand spun and hand woven	....	Exempted.
194(*b*)	Hand woven with mill yarn	....	1 pie per rupee worth.
195	Mill yarn (hand spun yarn being exempt)	....	1 pie per rupee worth.
196	Silk wool and lace	....	1½ pies per rupee worth.
197	Gunny bags and parts (new)	0 3 0	
198	Gunny bags and parts (old)	0 1 0	
199	Coir, Coir matting or articles made of coir, hemp or jute ..	0 1 0	
	CLASS VIII.		
	Metal Wares.		
200	Iron and iron ware	0 2 6	
201	Steel and steel ware	0 2 6	
202	Lead and lead ware	0 2 6	
203	Tin and tin ware	0 3 0	
204	Zinc and zinc ware	0 3 0	

167

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS VIII—*contd.*	Rs. a. p.	
	Metal Wares—contd.		
205	Copper and brass wire and sheets ..	0 5 0	
206	Copper, brass, pots and articles, bell metal and articles made thereof.	0 8 0	
207	Mercury ..	....	6 pies per pound or fraction thereof.
208	Metal alloy and articles thereof German silver and articles made thereof.	0 8 0	
209	Electro-plated metal articles .	0 2 6	
210	Gold and articles made thereof .	....	3 pies per tola or fraction thereof.
211	Pearls and other precious stones .	....	3 pies per rupee worth.
212	Silver and articles made thereof .	....	3 pies per pound or fraction thereof.
213	Empty soda water cylinders .	....	1 anna per cylinder.
214	Platinum and articles made thereof .	....	3 pies per tola or fraction thereof.
214 (*a*)	Alluminium and articles thereof .	....	0–2–0 per quarter maund or fraction thereof.
	CLASS IX.		
	Miscellaneous Articles.		
215	Clocks, watches, time pieces and accessories	....	3 pies per rupee worth.
216	Motor cycles and accessories	....	3 pies per rupee worth.
217	Machinery and accessories	....	3 pies per rupee worth.
218	Glassware including bangles	....	3 pies per rupee worth.
219	Perambulators	....	3 pies per rupee worth.
220	Stationery including papers of all sorts except news print papers ..	1 0 0	
221	News print paper	0 1 0	
222	Slates of all sorts	....	Exempted.
223	All printed matter including catalogues, advertisements, pictures, diaries, but excluding all current issues of newspapers and books	....	1 anna per quarter maund or fraction thereof.
224	Books	....	Exempted.
225	Waste paper	0 1 0	
226	Umbrellas	....	3 pies per rupee worth.
227	Musical instruments including pianos and harmoniums ..	....	3 pies per rupee worth.
228	Gramophones records, radios and accessories	....	3 pies per rupee worth.
229	Cinematograph and accessories	....	3 pies per rupee worth.
230	Cinema films	2 0 0	
231	Trailors, Industrial and other films	....	3 pies per pound or fraction thereof.
232	Photographic accessories	....	3 pies per rupee worth.
233	Camera and its accessories	....	3 pies per rupee worth.

Serial No.	Name of articles.	Rate per maund or fraction thereof.	Any other mode of rate.
1	2	3	4
	CLASS IX—*contd.*	Rs. a. p.	
	Miscellaneous Articles—contd.		
234	Ivory and its articles	....	3 pies per rupee worth.
235	Pictures and idols of wood stone and clay	....	3 pies per rupee worth.
236	China-ware	....	3 pies per rupee worth.
237	Plantain leaves and stums	....	Exempted.
238	Toddy leaves and brooms of all sorts	....	Exempted.
239	Ice	0 0 6	
240	Leaf dishes and cups (dron and patravalis)	....	Exempted.
241	Earthen pots (black)	0 0 4	
242	Earthen pots (red)	0 0 6	
243	Earth for preparing pots and their articles	....	Exempted.
244	Crackers, gun powder, cartridges and all sorts of fire works ..	1 0 0	
245	Soda water essences	....	3 pies per rupee worth.
246	Soda water gas cylinders	....	2 annas per cylinder.
247	Soda water and mineral water bottles	....	3 pies per dozen.
248	Davana and flowers of all sorts	0 1 0	
249	Printing materials and types except paper	....	1 pie per rupee worth.
250	Celluloid and their articles	....	1 pie per rupee worth.
251	Battery cells and electric wires	....	3 pies per rupee worth.
252	Articles used for sports such as cricket, foot-ball, tennis, etc. ..	....	Exempted.
253	Walking sticks	0 1 0	
254	Photo frames	0 1 0	
255	Spectacles and materials of them	....	3 pies per rupee worth.
256	Cutlery	....	3 pies per rupee worth.
257	Samples of all articles intended for advertisement	....	1/20th of the rate provided for such articles or annas 2 whichever is less provided that the minimum charge will be 3 pies. In case the rate cannot be calculated on account of *ad valorem* duty, a flat rate of one anna shall be charged. *Note.*—The amount of quantity to be treated as sample will be decided by the Chief Officer.
258	Electric generators, Electric Motors, bulbs and Torches ..	....	3 pies per rupee worth.
	CLASS X.		
	Raw Hides, Skins, Leather, Leather Goods..		
259	Raw hides and skins	....	1 pie per rupee worth.
260	Leather and leather articles including boots and shoes of leather ..	....	3 pies per rupee worth.
261	Rubber and rubber goods including boots and shoes with canvas, etc.	....	3 pies per rupee worth.

HUBLI MUNICIPAL BOROUGH.

Schedule "B".

Declaration (Rule No. 5)

I

hereby declare that the cost price of

1.

2.

3.

imported by me and entered in the Import Bill No. of
Book No. of Octroi Naka is Rs.
(in words)

As evidence thereof I have exhibited the original
to the Octroi Karkun who has thereon endorsed to that effect. I further declare that the
will be shown to any officer connected with the Octroi department when
demanded for inspection.

Date Signature of the Importer

Before me

Date Octroi Karkun.

HUBLI MUNICIPAL BOROUGH.

Schedule "C".

Octroi Import Bill (Rule No. 8).

Name of Naka Book No. Import Bill No.

Name of Importer.	Description of goods or animals (mention No. of packages).	Kind of conveyance.	Weight or value as the case may be.	Rate of octroi.	Amount of bill.	Time of import.

Date Octroi Karkun.

Received payment of Rs. (in words) on
account of the above bill.

Date

Octroi Karkun.

170

Schedule "D".

Declaration [By-Law No. 8 (*ii*)].

I Karkun in charge of Octroi Naka do hereby declare that I have examined the above receipted import bill and satisfied myself as required by By-law No. 8 (*i*) (*c*) regarding the goods or animals and I do hereby certify that the above-mentioned goods or animals have passed out of this Naka at On

Date Octroi Karkun.

Received payment of Rs. (in words)

Date Signature of exporter.

(Endorsements regarding export passes) as required by [By-law No. 9 (*d*)].

Number and date of export pass.	Signature of officer issuing export pass.
1.	
2.	
3.	

HUBLI MUNICIPAL BOROUGH.

Schedule "E".

Octroi Import Bill (Rule No. 8).

Name of Naka Book No. Import bill No.

Name of importer.	Description of goods or animals (mention No. of packages).	Kind of conveyance.	Weight or value as the case may be.	Rate of octroi.	Amount of bill.	Time of import.

Date Octroi Karkun.

Received payment of Rs. (in words) on account of the above bill

Date Octroi Karkun.

HUBLI MUNICIPAL BOROUGH.

Schedule F [Rule No. 11 (2)].

EXEMPTION PASS.

Regarding goods or animals belonging to Public Authority.

Name of Naka Book No. Pass No.

Name of the Public Authority.	Number and date of the certificate.	Description of goods or animals imported.	Quantity of goods or number of animals.	Purpose of import.

Date Octroi Karkun.

HUBLI MUNICIPAL BOROUGH.

Schedule "G".

Declaration (By-law No. 4).

Name of Naka Book No. Declaration No.

Name of importer.	Description of goods or animals (mention No. of packages).	Kind of conveyance.	Weight or value as the case may be.	Rate of octroi.	Amount leviable.	Time of Import.

I do hereby declare that the goods or animals mentioned above which are imported by me are intended to be exported hereafter and that they are not intended for sale, barter, hire, manufacture, business or any other use within the octroi limits of the Hubli Municipal Borough.

Date Signature of the Importer.

Before me.

Date

Octroi Karkun.

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HUBLI MUNICIPAL BOROUGH.

Schedule H [*By-law No.* 5 (1)].

Intimation.

To

The Chief Officer,
Hubli Municipal Borough.

Sir,

I have the honour to intimate that the goods or animals imported by me on at (Naka) are not exported by me within 24 hours of their import and that they are kept at

Date Signature of the Importer.

HUBLI MUNICIPAL BOROUGH.

Schedule I [*By-law No.* 9 (*b*)].

Export pass. Serial No.

To

The Octroi Karkun at

Allow the following goods to go out of the Octroi limits at your Naka—on satisfying yourself as required by By-law No. 9 (*e*) and endorse thereon as required by the said By-law.

No. and date of receipted import bill.	Description of goods or animals to be exported.	Number and description of packages or animals.	Weight or value as the case may be.	Name of exporter.	Octroi levied in respect of these goods or animals.	Time of the issue of the pass.

Date Chief Officer or person issuing the pass.

HUBLI MUNICIPAL BOROUGH.

Schedule "J".

Declaration [By-law No. 9 (*e*)].

I Karkun in charge of Octroi Naka do hereby declare that I have inspected the goods or animals mentioned in the above pass and satisfied myself as required by By-law No. 9 (*e*) and do hereby certify that the abovementioned goods or animals have passed out of this Naka at on

Date Octroi Karkun.

Received payment of Rs. (in words)

Date Signature of applicant for refund.

+193

O R D E R.

Public Works Department;
Bombay Castle, 3rd May 1944.

No.5660/36.- Whereas by Government Order, Public Works Department No.5660/36, dated the 29th April 1944 Government was pleased to intimate to the Hubli Electricity Company, Limited, Hubli, under clause (d) read with clause (g) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) that it had elected to purchase the undertaking of the said Company and to require the said Company to sell the undertaking to the Government and to hand over possession of the same to Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, on the 1st May 1944;

And Whereas the said Company has failed to comply with the said Order pending the settlement of the price and completion of the purchase;

And Whereas the determination of the price as provided in clause (b) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) and the completion of the purchase of the said undertaking would take time;

And Whereas it appears to the Government of Bombay that in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole of the said undertaking pending completion of the purchase of the said undertaking;

Now, Therefore, in exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased -

(i) to authorise Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, to exercise, such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act, 1910; and

(ii) to prohibit the Hubli Electricity Company, Limited, Hubli, from interfering with or obstructing the said Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, in the discharge of his functions under clause (i).

By order of the Governor of Bombay,

R.H.HAMMETT,

Secretary to Government.

VR.3/5.

5 175

Copy of letter No.740 dated the 12th January 1945, from the Deputy Engineer, Hubli Electric Supply, Hubli, to the Electrical Engineer to Government, P.W.D., Bombay.

Subject:- Municipal Octroi Duty.

I have the honour to request that legal opinion may please be taken and orders issued whether Octroi duty is payable on goods, stores, oils and spare parts of Engines received for this Supply from outside the limits of the Municipality.

The local Municipality have now started demanding this duty even though I represented to them that the consignments are Government stores. Recently two cases containing old Engine bearings (sent from here for re-metalling and return) were received. The Municipality have demanded octroi duty on same, even though I represented that the old parts were sent from here, and are received only repaired. As the parts are urgently required, I am paying the duty under protest, and taking delivery of same. But the legality of the duty requires to be ascertained authoritatively.

" True Copy "

Sd/-

Head Clerk to the
Electrical Engineer to Govt.

No. Elec II 4489 of 1945.

P.W.D. Offices, Churchgate Street, Fort, Bombay, 1st February 1945.

URGENT.
Letter.
To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Municipal Octroi Duty.

A copy of letter from the Deputy Engineer, Hubli Electric Supply, Hubli, regarding the Octroi Duty payable on materials required in connection with the Hubli Electric Supply, which has been taken over by Government, is enclosed, and it is requested that the question may please be referred to the General Department for their orders.

Encl: 1 Copy of letter.

Electrical Engineer to Govt.

178

Elm 9/2

PUBLIC WORKS DEPARTMENT
5660/36
2 FEB 1945
3827

5660/36/3827.

P. W. D.

El. Br.

Submitted.

2. The license granted to the Hubli Ely. Coy.Ltd. for the supply of electrical energy at Hubli has been revoked with effect from the 1st May 1944 and Govt. has elected to purchase the undertaking from the Coy. Pending however the settlement of the price and completion of the purchase of the undertaking Govt. has taken over the control of the undertaking by G.O.+ No.5660/36, dated the 3-5-44.

3. The point raised by the Dy.Engr. in charge of the undertaking is whether Octroi duty is payable on goods, stores oils and spare parts of engines received for the undertaking from outside the limits of the Hubli Muny.

4. The papers may first be refd. u.o. to the G.D. for its remarks on the point.

NC.

8/2/45

8 II 45

GENERAL DEPARTMENT
File No. P.W.D 5660/36/382
1 - FEB 1945
383.

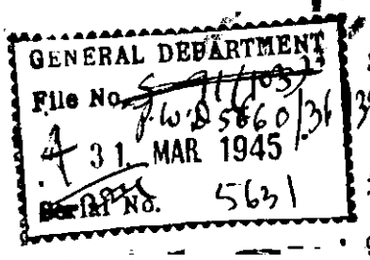
u.o. to G.D. urgent

General Department.

It appears that the Hubli Muncy. levies terminal tax and not octroi. Under the rules of the muncy., goods belonging to Govt. are exempt from the levy of this tax. So long as the purchase of the Electric Supply Co. is not effected, Govt. cannot be said to be the owner of the assets and liabilities of the Co. Its present position seems, therefore, to be that of a trustee of the Co. and so, the goods would be liable to the tax. Whatever cost ~~is~~ incurred by Govt. at present is on behalf of the Co. and will be taken in consideration in adjusting the price to be paid by Govt. to the Co. This being so, Govt. does not lose by paying the tax. Before the papers are returned to the P.W.D. with this remarks, the Collr. of Dharwar may see u.o. for remarks and he may be requested to return the papers to Govt. through the Commr.

14-2-45. u.o. to Collector of Dharwar. EB, 14/2/45 of 15-2-45

Below unofficial reference from Government in the General Department.



Submitted to Government in the General Department.

2. The Hubli Municipal Borough has substituted octroi in place of the terminal tax (please vide G.R.G.D.No.S. 91(103) dated 19/10/1942).

3. Government have already elected to purchase the Hubli Electric concern, and the Company was asked to hand over possession of the same to the Deputy Engineer on 1/5/1944. The Company having failed to comply with their order, Government have ordered the Deputy Engineer to exercise an effective control over the undertaking and keep it in effficient working order, pending the determination of the price and completion of the purchase. Accordingly, the Deputy Engineer is now in charge of the concern and running it.

4. The result of this interim arrangement is that, Government has stepped into the shoes of the Electric Company pending the completion of the purchase, and the position of the Deputy Engineer has become more or less akin to that of a Manager of the concern. The articles imported by the Deputy Engineer cannot therefore be said to be the property belonging to a public authority(Govt), and are therefore not entitled to exemption from the levy of octroi, under rule 2(b) of the Octroi Rules of the Hubli Municipality, printed as an accompaniment to the G.R. quoted in paragraph 2 above.

5. In the circumstances, it is evident that, the articles imported by the Deputy Engineer would be liable to the payment of octroi duty. Whatever cost is incurred by Government for payment of such duty is on behalf of the Company, as the purchase of the Company is not yet effected, and can be taken into consideration, in adjusting the price to be paid by Government.

6. The Deputy Engineer has made a similar reference

1c 182

-2-

reference to the Collector and he is being given a reply on the linese indicated above, pending final instructions from Government.

S. G. Barz

BB. Collector of Dharwar. 26.3.45:

GD

Subd with ref. to the office note of the 14-2 45

2 The Coll has not forwarded the papers thro the Comr. as requested by us. In view of the remarks made by him a ref. to the Comrs. is not necessary.

3. These papers may now be returned to the P.W.D with an expression of concurrence in the remarks made by the Coll.

4-4-45. C to C.D. to P.W.D

EB 4/4/45

S 5-4-45

Rev. 576 of 36.

~~H~~ 183 5660/36
3827

PWD

El. Br.

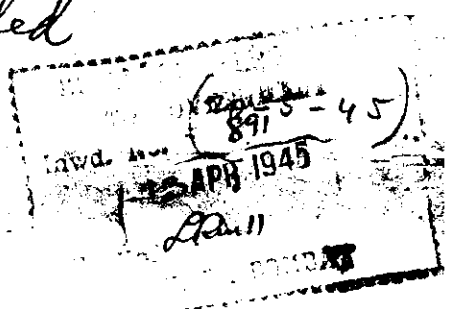
Submitted with ref to the
on 7 dated the 8-2-45.
2. In con. with the option to
purchase the Hubli electric
undertaking which has been
exercised by this Govt., an
offer of Rs. 6,76,364/- as the
valuation of the undertaking
has been made to the Hubli
Ely. Coy, Ltd., on 26-3-45
and so far no reply thereto
has been received from the
Coy.

3

5660/36/3827. 184

3 The view taken by the Coll^r of Dharwar in para. 3 of his note, dated the 26-3-45, which has been concurred in by the G.D. seems to be correct. The R.L.A. may however be requested to confirm it the papers being referred n.o. to him through the El. Engr to Govt

O.R.V.
19-4-45.



CH 20/IV/45

U.O.R to the El. Engr. to Govt. dated the 20-4-45.
R.L.A.

× with copy of G.R., G.D., S.91(103), S[illegible] 19-10-42.

Below U.O.R.No.5660/36/3827 dated the 20th April 1945, from Government in the Public Works Department.

No.LRM.11/ 418 of 1945.

Bombay, 23rd April 1945.

Returned, with compliments.

2. I do not concur in the view taken by the District Magistrate who is not apparently acquainted with the legal position involved in this case. The Hubli Electric License has been revoked with effect from 1st May 1944, and since the Supply Company refused to hand over the possession to Government for working the undertaking under section 5(3) of the Indian Electricity Act, 1910, the license automatically became inoperative from 1-5-1944. Government have therefore taken over the control of the undertaking in accordance with Government, Public Works Department, Order No.5660/36 dated the 3rd May 1944, and appointed Mr. Raghavan as an authorised controller, and the supply to the public has been given by Government after 1-5-1944 not on behalf of the Hubli Electricity Co.Ltd., who had no right to supply energy thereafter, but on behalf of Government, as no license is necessary for Government to supply energy.

3. The maintenance of the undertaking and the generation and distribution of supply have.....

have been undertaken by Government solely by itself and the cost thereof is being debited to the head "81-A, Capital Outlay on Electricity Schemes". The materials, etc., imported into Hubli for the maintenance of the undertaking are, thus, ipso facto, owned by Government and would not be liable to octroi duty.

4. It is suggested that the case may, in the first instance, be referred to the Solicitors to Government for their opinion.

Electrical Engineer to Govt.

P.W.D.

El. Br.

Submitted with ref. to this Deptt nor., dated the 20-4-45.

2. As suggested above, the Solicitors to Govt. may be requested to kindly advise in the matter

PRD. 24/4. EB 24/4.

25-4-45.

U.O.R. to the Solicitors to Govt. dated the 26-4-45.

PUBLIC WORKS DEPARTMENT
File No. 5660/36
24 APR 1945
Serial No. 13369.

+ with copy of G.R. G.D. No. S.91(03)8/19-2-45

15 157

Copy of letter No.[illegible] dated 24th December 1945 from the Executive Engineer, Elec.Dn. Bombay to the Collector of Dharwar.

Re:-Octroi Duty on goods imported for running the Hubli Elec.Supply Undertaking.
Ref:-Your No.MM/H dated 11/1/1945.

The license of the Hubli Electric Supply Co.Ltd., Hubli, was revoked and the possession of the property taken over by Govt. under Defence of India Rules. The whole concern has been placed in my charge and is being looked after by me on a Govt. concern, and all the expenses incurred are being debited to Govt.Capital Account. The goods purchased and imported to Hubli are entirely Govt.property and will remain as such even after the settlement of the dispute between the Supply Co. and the Govt. re:- cost etc. and as such the Octroi duty levied on such the imported does not appear to be in order. I shall, therefore be glad to know if you agree with me so that a cert. Octroi duty for Refund of Octroi Duty so far levied may be proceeded.

No.Mun-H.706 Dharwar, 21/12/1945.

Copy submitted to Government in the General Department with reference to this office endorsement dated 28/8/45 in reply to the G.O. from Government dated 15/8/1945 for favour of orders.

for Collector of Dharwar.

183
27 DEC. 1945
Serial 22457

188 General Deptt

The Collr of Dharwar's endt. No dated the 28.3.45 does not seem to have been received in this Deptt. Nor does office recollect having made a ref. to the Collr of Dharwar on 15.2.45. It appears that the Collr of Dharwar has addressed the G.D. instead of the P.W.D. which seems to be the Deptt concerned. This may accordingly be referred up. to P.W.D. with a request to state whether it has any objn. on the subject and, if so, whether it is willing to accept the transfer of this reference.

BM
13.1.46

RWS 12/1

JAS

ref. to P.W.D. d 10/1/46

P. W. D.
File No. G.D. 183
2145-8
Serial No. 1439.

1.S.
Please issue
BM ref. to P.W.D.
10/1/46

~~17~~ 189 Q.D. 183/22458

El. Br (I). P.W.D.

Submitted.

2. This Debdt. papers (file no 5260/36/13369) on the subject are under U.O.V. to the Solicitors to expt. since 26th April 1945. They are being expedited in the matter.

3. The U.O.V. ~~ref.~~ mentioned by the Colly was made by the Q.D. on this Debdt papers ref. to above. These papers may be returned to the Q.D. with an intimation that the proposed transfer is accepted.

24/1/46 ✓ 23/1/46

U.O. to Q.D. & 24-1-46

~~[illegible]~~ 24 1-46

GENERAL DEPARTMENT
File No. 183.
24 JAN 1946
Serial 35

5660/36
6156

No 183/2243-8-A
General Department
Bombay Castle, 30th January 1946

Transferred to the Public Works Department accordingly

Dhao

Junior Assistant Secretary to the Govt. of Bombay, General Department.

Encl 29.1.46

Rl. By (I).

P.W.D.

Submitted with reference to the O.M. overleaf.

2. The return of the main file from the Solicitors to Govt may be awaited till the q. is rest.

421 2/2/46

2/2/46

W. D.
5660/36
S. 6156

19/191

Bombay. 9th May 1946.

No. NV/ 3810

Below U.O.R. dated the 20th April 1945.

The octroi duty levied by the Hubli Municipal Borough is only on articles imported by any person into Hubli. The Municipal Borough therefore in our opinion is not entitled to levy octroi duty on machinery that had been sent out of Hubli for the purpose of repairs, and brought into Hubli again after being repaired, as that would not amount to "importing" the machinery into Hubli. If the amount of the duty already levied on such repaired machinery is considerable, we would advise Government to sue the Municipality for a refund of the duty so levied.

2. With regard to the new materials and machinery imported by Government into Hubli, we are of the opinion that since such materials and machinery are paid for by Government, and are not purchased out of any moneys of the Company under Government's control they are the property of Government, and as such are exempt from the octroi duty levied by the Municipal Borough of Hubli, provided of-course such material and machinery are accompanied at the time of import with a certificate as required by Rule 2 (b) of the Hubli Municipal Borough Octroi Rules.

3. We would advise that the Municipal Borough be informed

(a)

(a) That the License of the Hubli Electricity Company was revoked with effect from the 1st May 1944, and that since that date Government has supplied electrical energy to the town of Hubli on its own, and not as the Agents or on behalf of the Company.

(b) That the cost of the maintenance of the Undertaking and the distribution of supply, and or all new machinery and parts purchased in that behalf, is borne by Government, and all such machinery and parts are therefore the property of the Government.

(c) That the new machinery and parts do not form part of the Undertaking purchased by Government, and the cost thereof is not included in the purchase price offered to the Company. If therefore Government pays any octroi duty on the said goods imported into Hubli, it cannot recover it from the Company.

4. If the Municipal Borough of Hubli do not concede to Government's right to claim exemption from the said octroi duty, we would advise suitable action against the said Borough, to enforce Government's said right

Solicitors to Government.

G.B(1) 11/5 Dec. 1945

P. W. D.
File No. 5660/36
Serial No. 17933

E(Pol (1)

13046

5660/36/17433

E 173 Public Works Dept

El.Br.(I).

Submitted.

2. These papers relate to the question raised by the Dy.Engr.,Hubli Electric Supply, whether octroi duty is payable on goods, stores, oils and spare parts of engines recd. for the Hubli Electric Supply from outside the limits of the Muncy. - vide his letter on page 3 ante.

3. The octroi duty is levied by the Hubli Munpl. Borough on articles imported into Hubli in accordance with the rules prescribed in G.R., G.D.,No.S91(103),dated the 19-10-43. Under rule 2(b) of these rules goods and animals belonging to a public authority and not intended for sale or hire, when accompanied at the time or import with a certificate to that effect signed by the officer under whose authority they are imported, are exempt from the octroi duty.

4. The question at issue is whether the articles imported by the Dy.Engr. for the Hubli Electric Supply can be said to be the property belonging to a public authority within the meaning of rule 2(b) of the rules mentioned in the preceding para and as such exempt from the octroi duty. Attention in this connection is invited to -

(i) the remarks of the Collr. of Dharwar. P. 13-14

(ii) the remarks of the El.Engr. to Govt. P. 19-20

(iii) the opinion of the Solicitors to Govt.

The position indicated by the El.Engr. to Govt. is correct. The opinion of the Solicitors to Govt. may be shown u.o. to him and he may first be

requested ...

194

quested to inform the Muncy. as suggested by the Solicitors to Govt. in para 3 of their opinion and to communicate the result to Govt.

28.5.46.

28/5/46

U.O. to Mr. Engr to Govt. dt 29-5-46 with a copy of G.R.G.D. no 5.91/(103)-S dtd 19.10.42.

~~25~~ 195

Copy of letter No.LRM.11/1202 dated 22nd June 1946, from the Electrical Engineer to Government, Public Works Department, Bombay to The Chief Officer Municipal Borough, Hubli. Re:- Octroi Duty.

======

I have the honour to state that the license of the Hubli Electricity Co., Ltd., Hubli, was revoked with effect from 1st May 1944, and that since that date Government has supplied electricity to the town of Hubli on its own and not as the agents or on behalf of the Company. The cost of maintenance of the undertaking and the distribution of supply and of all new machinery and parts are, therefore, the property of Government. The new machinery and parts do not form part of the undertaking purchased by Government and the cost thereof is not included in the purchase price to the Company.

2. An amount of Rs.1,299-2-9, as per the accompanying statement, has been paid by the Deputy Engineer, Hubli Electric Supply from 1st May 1944 to 1st June 1946, and I have to request you to please arrange to refund the amount to that officer at your early convenience, and also to issue orders not to recover any Octroi Duty in future on the materials imported into Hubli for use in connection with the Hubli Electric Supply.

3. The favour of an early reply is requested.

"True Copy"

Sd/- Illegible

Head Clerk to the
Electrical Engineer to Govt.

25 197

Copy of letter No.Octroi.S.R.1. dated 11th July 1946, from the chief Officer, Municipal Borough, Hubli, to The Electrical Engineer to Govt. P.W.D. Department, Bombay. Re:- Octroi duty.

======

P 23

With reference to your letter No.IRM.11/1202 of 22-6-1946 on the above subject, I have the honour to inform you that, at the beginning a Company in the name of "Hubli Electricity Company" consisting of so many shareholders was established. Since the revocation of the license of this Company, on account of its incompetency in the performance of its duties as per conditions laid down in the said license, all the property of the Company vests in Govt. and all the powers and duties of the Company are being exercised and performed by the person appointed by the Govt. by establishing as Hubli Electric Supply, P.W.D. and it is maintained for the purpose of profit and the income accrued from the sale or supply of energy to the citizens of Hubli, is held by Govt. This is so to say, a big concern running for profit and as such, is liable to octroi duty and hence exemption from payment of octroi duty on the articles of any kind imported already and to be imported hereafter required for the said Electric Supply, cannot be allowed under the provisions of Octroi Rules and By-laws sanctioned by the Govt. under G.R.G.D.No.A.91(103) dated 19th October 1942.

(Hubli Pp 239)

G.R.(103) of 1942 + subs D

For the reasons stated above, the amount claimed cannot be refunded + as they have not made.

"True Copy"

Head Clerk to the
Electrical Engineer to Govt.

Below U.O.R.No.5660/36/17933 dated the 29th May 1946, from Government in the Public Works Department.

No. LRM.11/ 1 [illegible] of 1946.

Bombay, 15th August 1946.

Returned, with compliments.

2. The Chief Officer, Municipal Borough, Hubli, was addressed in the terms of para.3 of the Solicitor to Government's remarks on pages 19 and 20 ante - vide copy of letter enclosed, together with a copy of letter from the Chief Officer, being a reply thereto. As the Municipality does not agree to the reasons put forward in justification of the claim for refund of the octroi duty, it is suggested that the matter may be again referred to the General Department for reconsideration.

Electrical Engineer to Govt.

P.

5660/36
32553

Dy
W.S.

Gl Br (I).

P.W.D.

Submitted with reference to the
hb 21-22
O.M. of the 28-5-46.

2. The Solicitors to Govt have advised Govt to issue the Notification for the refund of the duty or to take suitable action against the Municipality to enforce the Govt's right to claim exemption from the duty - vide paras 19-20 of the Solicitors' note.

3. The papers may be returned to the Collector of Dharwar

EIB(1)/6/B

P. W. D.
File No. 5660/36
Serial No. 32553

5660/36
32553

with a request to persuade the Mung to return the duty after consultation with the G.D.

(1-10-46)

GENERAL DEPARTMENT
File No. 66
A 3 SEP 1946
Serial No. 11

D.S

noted G.D.

General Department.

Please read:- pp 21-22

i) P.W.D. note dt. 28-5-46.

pp 27 ii) The Elec. Engr. to Govt's u.o. memo. dt. 15-8-46. pp 25-26

iii) P.W.D. note dt. 24-8-46.

2. The G.D. has no objection to a suit being filed against the Hubli Muny. for establishing Govt's right to claim exemption and for recovery of the amount already paid to the Muny. as octroi. The G.D. has no objection also to the Collr. of Dharwar being asked to persuade the Muny. to refund the duty before the question of filing a suit is considered further.

3. Office, however, doubts whether it is ~~worthwhile~~ asking the Collr. to persuade the Muny. to refund the tax. The Elec. Engr. to Govt. had tried to persuade the Muny. and the Muny. has refused to accept Govt's claim for exemption. In view of the attitude taken by the Muny., persuation by the Collr. may not have any useful effect and may result in delay.

4. The papers may be returned u.o. to the P.W.D. with this note. and with such remarks as the U.S. may like to make.

BM 24/9/46

It is desirable that the Collr should persuade the Municipality to refund the duty before the question of filing a suit is considered further.

EB 26/9/46.

U.O. to P.W.D. 27/9/46

3/2

999 204

El. RV (I) P.W.D.

Submitted with reference to the o.n. 28.29
& the 24.8.46.

2. The papers may now be ref. u.o.
to the Colr of Dharwar with a
request to persuade the Hubli/Mercy to
refund the duty.

21
28/9/46
30-
10

GH
1.5.46

(2-11-46)

√

u.o. to the Collector of Dharwar.
& 3-10-46

DS
u.o. to the Colr of
Dharwar.

6 OCT 1946

Dy E I (I) 274

P. W. D.
File No. 5000/30
Serial No. 38999
27-9-46

15.
Bl returning
to D.W.D.

205 T 5660/36/38999.

El·Br.(1)

File No·5660/36/38999-reg. Municipal Octroi Duty in con·with the Hubli El·Licence was refd·u·o·to the Collr. of Dharwar on 2-10-46. As it is not yet recd back that office has been expedited on 27th Nov 46

27/11/46

52/
26/11/46

El·Br.(1)

Issued 27/11

The Collr. of Dharwar ~~expedited for the 2nd time~~ for the return of the file, on ~~December 46~~

27/12/46

3½ 207

Subject:-The Hubli Electric Supply P.W.D.
Levy of Octroi duty on the goods imported by the

No.Mun-H 706 Letter Dharwar, 14/12/1946.

To

The Secretary to Government,
P.W.D.Bombay.

Ref:-Your reminder No.5660/36 El(1) dated the 27/11/46
38999 p. 33

I have advised the Municipality to ~~xxxxxxxxxx~~ reconsider the question urgently in the light of the opinion expressed by the solicitors to Government and to avoid litigation. The Municipality's decision is awaited and the President is being expedited.

J/12

for Collector of Dharwar.

5660/36/52467.

El. Br. (1).

Await:

28/12/46

30/12/46

30/12/46

2/1

23/12.

S. A. S.

5660/36.

.52467

13/2

The Collr. Dharwar expedited on 14-2-47

14/2/47

Letter. 209

Subject:-The Hubli Electric Supply P.W.D.
Levy of Octroi duty on the goods imported by the ...

No.Mun-H 706
Office of the Collector,
Dharwar,10th October 1946.

To

The President
Hubli Municipal Borough.

Ref:-Your endorsement No.Octroi S.R.-21 dated 25-1-1945 to this office and your C.Os. letter No.Octroi S.R.-1 dated 11-7-1946 to the Electrical Engineer to Govt. P.W.D.Bombay.

The solicitors to Government to whom the matter was referred for opinion hold that the Hubli Municipal Borough is not entitled to levy Octroi duty on machinery that had been sent out of Hubli by the Deputy Engineer, the Hubli Electric Supply Public Works Department, for the purpose of repairs and brought into Hubli again after being repaired, as that would not amount to "importing the machinery into Hubli. I agree that such goods received back repaired are not liable to the tax. The duty levied in this connection will have to be refunded to Government.

With regard to the new materials and machinery imported by Government into Hubli I have to enclose herewith a copy of letter No.7358 of 24-11-45 from the Executive Engineer Electric Division Bombay and to inform you that it is not a fact that the Deputy Engineer is importing goods for running the plant on behalf of the Electricity Company as its manager as understood by you. The Executive Engineer has made it clear that the goods imported into Hubli are entirely Government property and will remain so even after settlement of the dispute between the Supply Company and the Government, regarding cost etc. This is supprted by the solicitors to Government who are of opinion,-

(a) that after the licenee of the Hubli Electricity Company was revoked with effect from the 1st May 1944. Govt. has supplied electrical energy to the Hubli Town on its own behalf, and not as the agent or on behalf of the company;

(b) that the cost of the maintenance of the undertaking and the distribution of supply, and of all new machinery and parts purchased in that behalf, is borne by Govt.

Government and all such machinery and parts are therefore the property of the Government;

(c) that the new machinery and parts do not form part of the undertaking purchased by Government and the cost thereof is not included in the purchase price offered to the company and if therefore Government pays any Octroi duty on the goods imported into Hubli, it cannot recover it from the Company.

The Government has been advised to file a suit against the Municipal Borough for enforcing their right to claim exemption and for the recovery of amount already paid to the Municipality as Octroi; but before doing so, I have been asked by Government to persuade the Municipality to concede. I would therefore in view of the opinion of - solicitors to Government advise the Municipality not to levy Octroi duty on goods received back after repairs into Hubli Town, and on the new goods imported by the Deputy Engineer when accompanied at the time of import with a certificate that the goods belong to a public authority and are not intended for sale or hire and signed by the office under whose authority they are imported, as required by Rule 2(b) of the Octroi Rules of the Municipality and also to refund to Government the duty so far collected on this account. You are requested specially to bring to the notice of the Municipality that it has become necessary for the Government to exercise control over the whole of the said undertaking pending completion of its purchase in the interest of health. safety and convenience of the public by maintaining supplies and services essential to the life of the community in Hubli Town.

As the matter is most urgent, I would request that the Board may be advised to reconsider the Question urgently in the light of the above remarks if necessary at a special meeting and to avoid litigation which might cost the local body much unnecessarily. The Municipality's decision will be awaited.

Sd/ V.T. Dehejia.

Collector of Dharwar.

Sub.No.10. G.B.P.No.1097 of 31-1-47. 39/41

To consider the report of the Sub-Committee dated 18-12-46 reg: levy of Octroi duty on the goods imported by the Hubli Electricity Supply (P.W.D.)

Proposed by Mr.J.G. Magajikondi.
Seconded by " M.M. Hansi.

Resolved that the report of the Sub-committee dated 18-12-46 be approved and accepted and sent to the Collector in reply to his letter No.MUN-H-706 of 10-10-46.
No amendments; put to vote; passed unanimously.

Sd/- B.A. Desai.
Vice President,
Municipal Borough, Hubli.

True copy -

Chief Officer,
Municipal Borough, Hubli.

d..

44

Report of the Sub-committee appointed as per G.B.R. No.1009 of 27-11-46.

213

After looking to the whole correspondence (pages 1 - 24 and relevant octroi rules and by-laws of our municipality and assuming, but without admitting that the articles do belong to Government, and not intended for sale or hire, this Committee is of the opinion that the articles in question, are not exempt from octroi, under rule 2(b), as the goods are not accompanied at the time of import, with a certificate, by the Officer under whose authority they are imported, to the effect that the said articles belong to a public authority and that they are not intended for sale or hire. We understand that the articles in question were never accompanied with the certificate fulfilling the conditions of rule 2(b) by the importing authority.

As regards the question whether machineries sent out of municipal limits and imported into municipal limits again, after repairs, are exempt from octroi, the Committee is of the opinion that under the existing rules & by-laws, they are liable to - octroi, irrespective of the consideration as to whether the articles were sent out of octroi limits and for purpose of repairs. Any article imported is liable to octroi duty.

Municipal Office, Hubli.
D/- 18,12,1946.

Sd. B.A. Desai.
Sd. B.P. Tambad.
Members of the Sub-committee.

- True copy -

Chief Officer,
Municipal Borough, Hubli.

d..

43 215

Sub:- Levy of Octroi duty on the goods imported by the Hubli Electricity Supply, P.W.D.

....

No.Octroi.S.R.21

Office of the
Municipal Borough, Hubli.
D/- Feb.8, 1947.

To,

The Collector of Dharwar.

Dharwar.

Sir,

17-37-5

With reference to your letter No.Mun(H).706 of 10-10-46, on the above subject, I have the honour to inform you that the subject was placed before G.B. on 31-1-1947. The copy of G.B.Resolution No.1097 dated 31-1-47 & the report of the Sub-committee dated 18-12-46 are enclosed herewith.

1-39
1-41

Your obedient servant,

Encl:3

14 FEB 1947

B. N. B...

President,
Municipal Borough, Hubli.

vnd..

27

Below U.C.R.dated 3/10/1946 from Government P.W.D. Bombay.

The opinion of the Solicitor to Government was communicated to the Hubli Municipality and the Municipality was advised to refund the octroi levied by it on the materials and machinery imported by Government into Hubli. But the Municipality is not willing to do so. A copy of letter No.Octroi S.R.21 dated 8/11-2-1947 from the President of the Municipality in this connection and its accompaniments is enclosed.

No.M.U.N.-H.706.
20/2/1947

Collector of Dharwar.

U.C.R. to Government, P.W.D. Bombay.
with the whole file.

3660/38/7401

El. Br. (I)

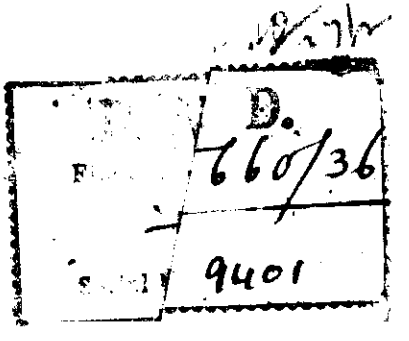
P. W. D.

The facts of the case are as stated below.

2. The license of the Hubli Ely. Co. has been revoked since the 1-5-44. Govt. has elected to purchase the undertaking. The question re: the price & purchase of the undertaking is not yet finally settled. In the meanwhile, Govt. has taken over the control of the undertaking and has been supplying el. energy to the town of Hubli on its own and not as the Agents or on behalf of the company.

3. The —

E(1) 28/2



3. The Hubli muny. has been levying from Govt., the octroi duty on —

(a) the machinery (for the electric supply at Hubli) sent out of Hubli for repairs & brought back to the Town after being repaired.

(b) new materials imported into Hubli by Govt. in this con.

4. An amount of Rs. 1299-2-9 has since been paid under protest to the muny. by way of octroi duty by the Dy. Engr., Hubli El. Supply, from 1-5-44 to 1-6-46.

5. The Solicitors to Govt. are of the opinion that the muny. is not entitled to levy octroi duty on the machinery mentioned in para 3(a) above as that would not amount to "importing" the machinery into Hubli.

6. As regards para 3(b) above the Solicitors have observed that since such new materials are the property of Govt., they are exempt from the octroi duty levied by the muny., provided they are accompanied at the time of import with a certificate as reqd. by rule 2(b) of the Hubli municpl. Borough Octroi Rules.

7. The Solicitors have further advised Govt. to ask the muny. (and if necs. to sue the muny.) to concede to Govt's. right to claim exemption from

the said octroi duty and also to refund to Govt., the amount so levied so far.

The Muny. was addressed as advised by the Solicitors and attempts were made to persuade the muny. in this con. by the El. Engr. and the Collector of Dharwar but in vain.

8. ~~Secondly~~ The muny. contends that the levy of octroi duty is justified on the following grounds:—

(a) Under the existing Municpl. Octroi Rules and By-laws, every article is liable to octroi irrespective of the consideration whether it is sent out of octroi limits for repairs and then brought back into Hubli.

(b) The articles imported by Govt. for Hubli El. Supply were not accompanied at the time of import by the ~~certificate~~ ney. certificate mentioned in rule 2(b) of the Octroi Rules of the Hubli Muny.

9. Before any further action is proposed in the matter the El. Engr. to Govt. may be requested ~~us~~. to elucidate the position with refce. to para 8(b) above.

ABS
7-3-47.

(8.4.47)

+ ~~Ltr. dt. 10-3-47~~ Ltr. dt. 10-3-47.
+ with a copy of G.O. ~~No. 5941(103)~~ No. 5941(103) dt. 15.10.42

49 221

Below U.O.R.No. 5660/36/9401 dated the 10th March 1947 from Government in the Public Works Department.

No.LRM 11/ 387 of 1947-48

Bombay 18th May 1947.

Returned with compliments.

2. It is ascertained from the Deputy Engineer, Hubli Electric Supply, that the certificates referred to in rule 2(b)* of t the Octroi Rules of the Hubli Municipal Borough were not furnished to Municipality so far. The Deputy Engineer has since been instructed to issue the certificates in future as required by the above rule.

* Std. A
Copy of G.R. Ext
No. S.91 C 1933
dt. 19-10-42
at the commencement,
for see p. 2 thereof

Electrical Engineer to Govt.

H

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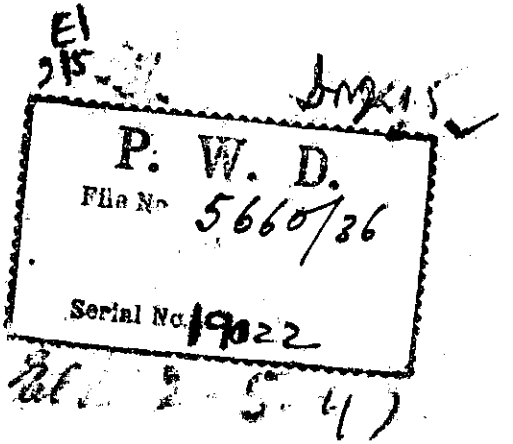

~~24~~ 223 5660/36/19022.

El. Br. P. W. D.

Please see the pp 46-48 O.N. d. the 7-3-47.

2. In view of the El. Engr's. note p 49 within, Govt. cannot claim the refund of the amount so far levied by the muny. on the materials mentioned in para p 47 3(b) of the O.N. repd. to — vide, rule 2(b) of the Hubli municpl. Borough Octroi Rules. As the Dy. Engr. has since been instructed p 49 to issue the necy. certificate under the above rule, this trouble will not arise in future. Govt. has however got to forego the amount so far paid to the muny. in this con.

× Slip A Copy of G.R. G.D. No S-91-103, d. 19-10-42 at the co... (P.W. file p 2 thereon)

3. As regards the amount levied by the Hubli muny., by way of octroi duty, on the machinery mentioned in para p 47 3(a) of the O.N. on pp 46-48, Govt. may sue the muny., as pp 19-20 advised by the Solicitors to Govt., to concede to Govts'. right to claim exemption from the said octroi duty and also to refund to Govt. the amount so levied so far. Before, however, a suit is filed

against —

DGV/136/19022

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against the pump. The R.L.A's. advice may be sought no. in the matter

NBS.
3-6-47

3/VII/47

THE SECRETARIAT
LEGAL
File No. 6709
Date 5-6-47
Sec. A

No 1 RLA

(1 7-47)

U.O. to R. & A. dt 4-6-47)
+ with a copy of E.R.E.D.
No S.91/ (103) dt 19-10-42

4 JUN

225

Office of the R.L.A.

The view taken by the Solicitors to Government is correct. There is no objection to filing a suit against the Hubli Municipal Borough claiming refund of the Octroi levied on the machinery taken by Government out of the municipal limits for repairs and brought back after repairs into the municipal limits (see R.L.A's opinions No.1524, dated the 14th March 1933. No.2785, dated the 5th May 1936 and No.2241, dated the 24th April 1937).

16/6/47

Remembrancer of Legal Affairs.

U.R. to P.W.D.No. 6228

Dated the 16th June 1947.

EI
1816
P. W. D.
25863
17-6-91

5660/36/25863.

El. Br.

P. W. D.

Please see the proceedings on pp. 46-51 ante. The S.E.L.A. is of the opinion that necy. suit may be filed.

It will be seen from the copy of the El. Engr's. letter on p. 23 ante that an amount of Rs. 1,299-2-9 has been paid under protest to the Hubli muny. by way of octroi duty by the Dy. Engr., Hubli El. Supply, from 1-5-44 to 1-6-46. Some more amount must have since been paid. Out of this we have got to forgo certain amount in the circumstances stated in para 2 of the O.N. on pp. 51-52 ante. We do not know what exact amount is now to be claimed by Govt. from the municipality.

Besides we do not know whether the muny. is still insisting upon the levy of octroi duty on new material imported into Hubli by Govt. in spite of their being accompanied by the necy. certificate under Octroi rules which presumably is now being issued by the Dy. Engr., Hubli, under instructions from the El. Engr. to Govt.

2. It is

5660/36

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2. It is thus seen that more details are necy. before a suit could be filed. The El. Engr. to Govt. may be requested no. to elucidate the position with refce to the preceding para and submit a fresh, clear, detailed and up-to-date report in the matter, showing --

(a) the circumstances which render the suit necy;

(b) the exact nature of the claim for which it is to be instituted;

(c) the steps, if any, which have already been taken to obtain satisfaction of the claim;

(d) what objection or excuse, if any, the defendant (i.e. the Stubly Mung.) has urged against the claim;

(e) the evidence, both oral & documentary, which it is proposed to adduce in support of the claim;

(f) the evidence which so far as is known, the defendant will be able to adduce in his defence; and

(g) whether the circumstances of the defendant are such as to render it likely that satisfaction will be obtained of any decree that may be passed against him.

3. The El. Engr. to Govt. may further be requested to submit all documents relied upon and all the correspondence

and --

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25823

18 JUL 1947

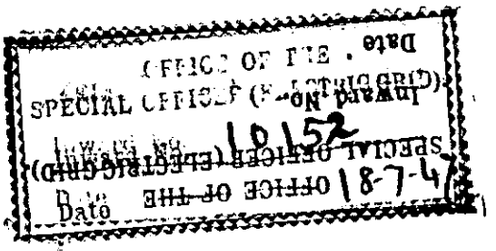
and other papers whether in English or in any regional language connected with the subject-matter of the proposed suit.

4. Neg. further action on these papers will be taken on receipt of the information called for in the preceding paras.

ASO.
16-7-47.

✓ u.o. ⊂ 21.2 ⊂ ⊂ 8/7-7-47

No 6987
16/7/47



57 - 31

Below U.O.R.No.5660/36/25823 dated the 17th July 1947, from Government in the Public Works Department.

No. LRM11 1725 of 1947.

Bombay, 13th August 1947.

Returned, with compliments.

2. In addition to the amount of Rs.1,299-2-9, a sum of Rs.486-12-0 has been paid as Octroi duty. Out of this amount a sum of Rs.12/8/- only represents octroi duty on the parts sent out for repairs and returned to Hubli. It will not be worthwhile to file a suit against the Municipality for the meagre amount of Rs.12/8/-.

3. As required by rule 2(b) of the Hubli Municipal Octroi Rules* the necessary certificates are now furnished by the Deputy Engineer, Hubli Electric Supply, and no octroi duty is now levied by the Municipality.

* At the Collector's Conf-

Electrical Engineer to Govt.

P.

5660/36/35199

232

E.L. Br.

P. W. D.

Submitted with refee.
to the O.N. d. the 16-7-47.

2. In the circumstances explained by the Ex. Engr. to Govt., no further action seems reqd. on these papers which may now be recorded, if approd.

183
14-8-47

Ex
1918

EIBL
Dy 7/8

P. W. D.
File No. 5660/36
Serial No. 35199

13-8-47

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El. Br. P.W.D.

Submitted for information.

2. The note on pp 21-22 in the linked case (no 5660/3C/42132) gives in detail the history of the Hubli Electric Supply undertaking. The linked case deals with the notice given by the Corp in respect of the new grid.

3. As requested by the El. Engr. the relevant papers may be returned to him as he draft must be ready.

SRI. 26/10/47

26/10/47

D 5 (9+2)

Secy(7)

5660/36/3970

9-23

Letter.

No 5660/36 El.

P.W.D.
B.C., 8th Oct 1947.

To

The El. Engr to Govt.

Sub:— The Hubli Ely Coy, Ltd

Reference: Your letter no 2036, dt the 17-9-47. Wb1-4

2. The Annual Report of the Hubli Ely Coy, Ltd, for the year 1946-47 is returned herewith as requested.

By order of the Govt.B

Wb1-4
D.A:— Report.

DS (Gen)
-Issued with DA.
9-10

Fit in Bk hold
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